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Washington, DC 20002

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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 34

[Docket No. FAA–2009–0112; Amendment No. 34–4]

RIN 2120–AJ41

Emission Standards for Turbine Engine Powered Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the emission standards for turbine engine powered airplanes to incorporate the standards adopted by the United States Environmental Protection Agency (EPA). This rule also amends certain test procedures for gaseous exhaust emissions, which are based on the standards of the International Civil Aviation Organization (ICAO) for gaseous emissions of oxides of nitrogen (NO_X). This rule will bring the standards of 14 CFR part 34 into alignment with 40 CFR part 87 as required.

DATES: This amendment becomes effective June 29, 2009. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 29, 2009.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule, contact Aimee Fisher, Emissions Division (AEE–300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7705; e-mail: *aimee.fisher@faa.gov.* For legal questions concerning this rule, contact Karen Petronis (AGC–200), Office of the Chief Counsel, Regulations Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3073; e-mail: *karen.petronis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on 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 III, Section 44714, Aviation Fuel Standards. Under that section, the FAA is charged with prescribing standards to control or eliminate aircraft emissions that the Administrator of the Environmental Protection Agency has found to endanger the public health or welfare, pursuant to his authority found in Section 231 of the Clean Air Act (42 U.S.C. 7571). These regulations are within the scope of that authority because we are adopting the standards previously mandated by the EPA.

Background

Section 232 of the Clean Air Act Amendments of 1970 (the Act), 42 U.S.C. 7401 *et seq.,* requires the FAA to issue regulations that ensure compliance with all aircraft emission standards promulgated by the Environmental Protection Agency (EPA) under Section 231 of the Act.

The EPA originally promulgated standards for engine fuel venting emissions, engine smoke emissions, and exhaust gas emissions of unburned hydrocarbons (HC), oxides of nitrogen (NO_X), and carbon monoxide (CO) in 40 CFR part 87. Since the EPA established the first standards in 1973, the FAA has worked with the International Civil Aviation Organization (ICAO) to develop international aircraft exhaust emissions standards for NO_X, CO, HC, and smoke (SN). The FAA added the 1997 EPA standards for NO_X and CO in February 1999 (64 FR 5556, February 3, 1999).

In September 2003, the EPA proposed new standards for engine fuel venting emissions, engine smoke emissions, and exhaust gaseous emissions of NO_X (68 FR 56226, September 30, 2003). The proposal was designed to align the U.S. emissions standards with those of ICAO.

The EPA adopted the proposed standards in November 2005 (70 FR 69664, November 17, 2005). The National Association of Clean Air Agencies (NACAA) sought review of the EPA's action, arguing that the EPA's interpretation of the Act was impermissible. The EPA had found that the Act does not require the agency to subordinate all other concerns to emissions reduction and reach a ''technology-forcing'' result. In essence, NACAA argued that the 2005 standards did not require enough reduction in emissions and that the EPA had failed to set a firm timeline for tightening the standards in the future.

On June 1, 2007, the United States Court of Appeals for the District Of Columbia Circuit found in favor of the EPA (489 F.3d 1221). The court accepted the EPA's interpretation of the Act and its responsibilities in setting aircraft emissions standards. With that challenge to the standards no longer at issue, we are amending 14 CFR part 34 to reflect the standards promulgated by the EPA in 2005.

Analysis of Rule as Adopted

Although the language of this amendment is not identical to the comparable sections adopted by the EPA, any differences are solely the result of differences in format between the sets of regulations in 40 CFR and 14 CFR. No changes in the standards were meant nor may any be implied by any differences between the sets of regulations.

Sections 34.64, 34.71, 34.82, and 34.89 of 14 CFR are amended by revising the incorporation by reference to specify that the system and procedures for sampling and measurement of gaseous emissions are those found in ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, through Amendment 3 (March 20, 1997). This amendment also corrects the effective date of Volume II, removes the reference to the FAA Rules Docket Room, and updates the address for ICAO's Document Sales Unit.

The only substantive changes to this regulation are the NO_X standards added in § 34.21(d)(1)(vi). All other changes are reference updates to the newer version of ICAO Annex 16 as noted.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public.

An agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number. We have determined that there is no current or new requirement for information collection associated with this amendment.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

Rulemaking actions by the FAA usually trigger a full regulatory evaluation of the potential monetary costs that would be imposed and benefits generated (including separate analyses for regulatory flexibility, international trade impact, and unfunded mandates). However, this regulation brings the regulations in 14 CFR into conformity with existing EPA regulations. A full regulatory evaluation is unwarranted because the FAA is not imposing a new rule on the aviation industry. The EPA has accounted for any costs associated with these changes in its rulemaking (70 FR 69664, November 17, 2005).

The FAA has, therefore, determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule revises the emission standards for turbine engine airplanes and test procedures for gaseous exhaust emissions. With this final rule, the FAA adopts a previously approved EPA rule to bring the standards of 14 CFR part 34 into alignment with 40 CFR part 87 as required by law. Therefore, as the acting FAA Administrator, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Analysis

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards are not considered unnecessary obstacles to the foreign commerce of the United States, so long as the standards have a legitimate domestic objective, such the protection of safety, and do not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA notes the purpose is to ensure the safety of the American public and has assessed the effects of this rule to ensure it does not exclude imports that meet this objective. As a result, this final rule will impose the same costs on domestic and international entities and thus has a neutral trade impact.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $136.1 million in lieu of $100 million. This final rule does not contain such a

mandate. The requirements of Title II do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government and, therefore, does not have federalism implications.

Environmental Analysis

In accordance with FAA Order 1050.1E, the FAA has determined that this action is categorically excluded from environmental review under section 102(2)(c) of the National Environmental Policy Act (NEPA). This action is categorically excluded under FAA Order 1050.1E, Chapter 3, paragraph 312a, which covers ''all FAA actions to ensure compliance with EPA aircraft emissions standards.'' This rule amends the emission standards for turbine engine powered airplanes, and certain test procedures for gaseous exhaust emissions, to incorporate the standards adopted by the EPA based on the ICAO standards for gaseous emissions of oxides of nitrogen (NO_X). This rule brings FAA regulatory standards for emissions into alignment with EPA emissions standards, as required by law. This action qualifies for a categorical exclusion because no significant impacts to the environment are expected to result from its finalization or implementation and no extraordinary circumstances exist as prescribed under Chapter 3, paragraph 304 of Order 1050.1E.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a ''significant energy action'' under the executive order because it is not a ''significant regulatory action'' under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—

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

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

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://DocketsInfo.DOT.gov.*

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact your local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. You can find out more about SBREFA on the Internet at *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

Good Cause for Adoption of This Final Rule

This regulation is being promulgated as a final rule without notice and opportunity for prior public comment. The standards adopted in this rule were the subject of full notice and comment rulemaking by the EPA, and were published as amendments to 40 CFR part 87 in 2005. They are already required for aircraft engine certification under those regulations. Accordingly, we have determined that notice and prior public comment has already been accomplished. The FAA has no reason to believe that a request for public comment at this time would result in a receipt of useful information. Opportunity for public comment was provided by the EPA in its 2003 NPRM, and comments received were addressed by that agency.

List of Subjects in 14 CFR Part 34

Air pollution control, Aircraft, Incorporation by reference.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14, Code of Federal Regulations part 34 as follows:

PART 34—FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES

■ 1. The authority citation for part 34 continues to read as follows:

Authority: 42 U.S.C. 4321 *et seq.,* 7572; 49 U.S.C. 106(g), 40113, 44701–44702, 44704, 44714.

■ 2. Amend § 34.21 to add new paragraph (d)(1)(vi) to read as follows:

§ 34.21 Standards for exhaust emissions.

* * * * *

(d) * * *

(1) * * *

(vi) The emission standards of this paragraph apply as prescribed after December 18, 2005. For engines of a type or model of which the first individual production model was manufactured after December 31, 2003:

(A) That have a rated pressure ratio of 30 or less and a maximum rated output greater than 89 kilonewtons: Oxides of Nitrogen: (19 + 1.6 (rPR)) grams/kilonewtons rO.

(B) That have a rated pressure ratio of 30 or less and a maximum rated output greater than 26.7 kilonewtons but not greater than 89 kilonewtons: Oxides of Nitrogen: (37.572 + 1.6(rPR) − 0.2087(rO)) grams/kilonewtons rO.

(C) That have a rated pressure ratio greater than 30 but less than 62.5, and a maximum rated output greater than 89 kilonewtons: Oxides of Nitrogen (7 + 2(rPR)) grams/kilonewtons rO.

(D) That have a rated pressure ratio greater than 30 but less than 62.5, and a maximum rated output greater than 26.7 kilonewtons but not greater than 89 kilonewtons: Oxides of Nitrogen: (42.71 + 1.4286(rPR) − 0.4013(rO) + 0.00642(rPR x rO)) grams/kilonewtons rO.

(E) That have a rated pressure ratio of 62.5 or more: Oxides of Nitrogen: (32 + 1.6 (rPR)) grams/kilonewtons rO.

* * * * *

■ 3. Revise § 34.64 to read as follows:

§ 34.64 Sampling and analytical procedures for measuring gaseous exhaust emissions.

The system and procedure for sampling and measurement of gaseous

emissions shall be as specified by in Appendices 3 and 5 to the International Civil Aviation Organization (ICAO) Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 26, 1993, through Amendment 3 (March 20, 1997). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514–954–8022, or *http://icaodsu.openface.ca/mainpage.ch2.* Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781–238–7101, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

■ 4. Revise § 34.71 to read as follows:

§ 34.71 Compliance with gaseous emission standards.

Compliance with each gaseous emission standard by an aircraft engine shall be determined by comparing the pollutant level in grams/kilonewton/thrust/cycle or grams/kilowatt/cycle as calculated in § 34.64 with the applicable emission standard under this part. An acceptable alternative to testing every engine is described in Appendix 6 to ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 26, 1993, including all amendments through Amendment 3 (March 20, 1997). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514–954–8022, or *http://icaodsu.openface.ca/mainpage.ch2.* Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781–238–7101, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Other methods of demonstrating compliance may be approved by the FAA Administrator with the concurrence of the Administrator of the EPA.

■ 5. Revise § 34.82 to read as follows:

§ 34.82 Sampling and analytical procedures for measuring smoke exhaust emissions.

The system and procedures for sampling and measurement of smoke emissions shall be as specified by Appendix 2 to ICAO Annex 2 to ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 26, 1993, through Amendment 3 (March 20, 1997). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514–954–8022, or *http://icaodsu.openface.ca/mainpage.ch2.* Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781–238–7101, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

■ 6. Revise § 34.89 to read as follows:

§ 34.89 Compliance with smoke emission standards.

Compliance with each smoke emission standard shall be determined by comparing the plot of SN as a function of power setting under the applicable emission standard under this part. The SN at every power setting must be such that there is a high degree of confidence that the standard will not be exceeded by any engine of the model being tested. An acceptable alternative to testing every engine is described in Appendix 6 to ICAO Annex 16, Environmental Protection, Volume II, Aircraft Engine Emissions, Second Edition, July 1993, effective July 16, 1993, including all amendments through Amendment 3 of March 20, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This document can be obtained from the International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada, phone +1 514–954–8022, or *http://icaodsu.openface.ca/mainpage.ch2.* Copies can be reviewed at the FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts, 781–238–7101, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Other methods of demonstrating compliance may be approved by the FAA Administrator with the concurrence of the Administrator of the EPA.

Issued in Washington, DC on April 20, 2009.

Lynne A. Osmus,

Acting Administrator.

[FR Doc. E9–9433 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

14 CFR Part 97

[Docket No. 30664; Amdt. No. 3319]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective April 28, 2009. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 2009.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC on April 17, 2009.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

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

FDC date	State	City	Airport	FDC No.	Subject
04/14/09	OR	Portland	Portland-Hillsboro	9/2206	ILS or LOC RWY 12, AMDT 8B.
04/02/09	CA	Oakland	Metropolitan Oakland Intl	9/2209	ILS RWY 29 (CAT II) AMDT 24 * * * ILS RWY 29 (CAT III) AMDT 24.

FDC date	State	City	Airport	FDC No.	Subject
04/02/09	KS	Scott City	Scott City Muni	9/2215	NDB RWY 35, AMDT 1.
04/02/09	KS	Junction City	Freeman Field	9/2216	RNAV (GPS) RWY 36, ORIG–B.
04/02/09	KS	Junction City	Freeman Field	9/2217	NDB or GPS B, AMDT 4A.
04/14/09	UT	Salt Lake City	Salt Lake City Muni 2	9/2333	RNAV (GPS) Z RWY 34, ORIG.
04/14/09	UT	Salt Lake City	Salt Lake City Muni 2	9/2337	RNAV (GPS) Y RWY 34, ORIG.
04/14/09	UT	Salt Lake City	Salt Lake City Muni 2	9/2339	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 4.
04/03/09	AK	Gustavus	Gustavus	9/2341	RNAV (GPS) Y RWY 29, ORIG.
04/03/09	AK	Gustavus	Gustavus	9/2492	VOR/DME RWY 29, AMDT 1A.
04/14/09	NC	Erwin	Harnett Rgnl Jetport	9/2799	RNAV (GPS) RWY 23, AMDT 2.
04/14/09	NC	Erwin	Harnett Rgnl Jetport	9/2800	RNAV (GPS) RWY 5, AMDT 2.
04/07/09	IA	Atlantic	Atlantic Muni	9/2849	RNAV (GPS) RWY 2, ORIG.
04/07/09	IA	Atlantic	Atlantic Muni	9/2850	RNAV (GPS) RWY 20, ORIG.
04/07/09	IA	Atlantic	Atlantic Muni	9/2852	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 6.
04/07/09	AK	Gustavus	Gustavus	9/2918	VOR/DME RWY 29, AMDT 1A.
04/07/09	KS	Wichita	Colonel James Jabara	9/2923	RNAV (GPS) E, ORIG.
04/07/09	KS	Wichita	Colonel James Jabara	9/2924	VOR A, AMDT 4.
04/07/09	KS	Wichita	Colonel James Jabara	9/2928	RNAV (GPS) RWY 18, ORIG–A.
04/07/09	KS	Wichita	Colonel James Jabara	9/2929	ILS or LOC/DME RWY 18, ORIG.
04/08/09	NE	Imperial	Imperial Muni	9/3068	NDB RWY 31, AMDT 3A.
04/08/09	KS	Belleville	Belleville Muni	9/3069	NDB or GPS RWY 36, AMDT 4.
04/08/09	IA	Decorah	Decorah Muni	9/3142	VOR RWY 29, AMDT 3A.
04/15/09	WY	Casper	Natrona County Intl	9/3165	VOR/DME or TACAN RWY 21, AMDT 8A.
04/15/09	WY	Casper	Natrona County Intl	9/3166	VOR/DME RWY 3, AMDT 4A.
04/15/09	WY	Casper	Natrona County Intl	9/3167	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 3.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3279	RNAV (GPS) RWY 4, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3280	RNAV (GPS) RWY 22, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3281	RNAV (GPS) RWY 13, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3282	RNAV (GPS) RWY 31, ORIG.
04/09/09	AR	Texarkana	Texarkana Rgnl-Webb Field	9/3283	VOR RWY 13, AMDT 16.
04/09/09	NY	Rochester	Greater Rochester Intl	9/3299	ILS OR LOC RWY 22, AMDT 6B.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3445	RNAV (GPS) Z RWY 19L, ORIG–A.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3446	RNAV (GPS) RWY 1R, ORIG.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3447	RNAV (GPS) RWY 19R, ORIG.
04/09/09	KS	Wichita	Wichita Mid-Continent	9/3449	RNAV (GPS) Z RWY 1L, ORIG.
04/14/09	GA	Bainbridge	Decatur Co Industrial Air Park	9/3505	RNAV (GPS) RWY 9, ORIG.
04/15/09	OR	Aurora	Aurora State	9/3562	RNAV (GPS) RWY 35, ORIG–A.
04/15/09	OR	Aurora	Aurora State	9/3564	RNAV (GPS) RWY 17, ORIG.
04/13/09	PA	Pittsburgh	Pittsburgh Intl	9/3694	ILS RWY 10R, AMDT 10B.
04/13/09	PA	Pittsburgh	Pittsburgh Intl	9/3695	ILS RWY 10R (CAT III), AMDT 10B.
04/13/09	PA	Pittsburgh	Pittsburgh Intl	9/3696	ILS RWY 10R (CAT II), AMDT 10B.
04/14/09	FL	Perry	Perry-Foley	9/3723	RNAV (GPS) RWY 36, ORIG–A.
04/15/09	OK	McAlester	McAlester Rgnl	9/3928	LOC RWY 1, AMDT 4.
04/15/09	OK	McAlester	McAlester Rgnl	9/3929	VOR/DME RWY 19, AMDT 2B.
04/15/09	OK	McAlester	McAlester Rgnl	9/3930	VOR–A, AMDT 13.
04/15/09	OK	McAlester	McAlester Rgnl	9/4003	TAKEOFF MINIMUMS AND OBSTACLE DP, ORIG.

[FR Doc. E9–9552 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30663; Amdt. No 3318]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new

obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 28, 2009. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 2009.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on April 17, 2009.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 07 MAY 2009

Columbia, MO, Columbia Rgnl, LOC/DME BC RWY 20, Amdt 12

Effective 04 JUN 2009

Windsor Locks, CT, Bradley Intl, COPTER ILS OR LOC RWY 6, Orig-B

Windsor Locks, CT, Bradley Intl, ILS OR LOC RWY 6, ILS RWY 6 (CAT II), ILS RWY 6 (CAT III), Amdt 36B
Windsor Locks, CT, Bradley Intl, ILS OR LOC RWY 24, Amdt 10C
Windsor Locks, CT, Bradley Intl, ILS OR LOC RWY 33, Amdt 9B
Chicago, IL, Lansing Muni, Takeoff Minimums and Obstacle DP, Amdt 5
Dixon, IL, Dixon Muni-Charles R Walgreen Field, RNAV (GPS) RWY 8, Orig
Dixon, IL, Dixon Muni-Charles R Walgreen Field, RNAV (GPS) RWY 26, Orig
Dixon, IL, Dixon Muni-Charles R Walgreen Field, Takeoff Minimums and Obstacle DP, Amdt 2
Dixon, IL, Dixon Muni-Charles R Walgreen Field, VOR–A, Amdt 10
Olathe, KS, Johnson County Executive, RNAV (GPS) RWY 18, Amdt 1A
Lexington, KY, Blue Grass, RNAV (GPS) RWY 8, Orig, CANCELLED
Lexington, KY, Blue Grass, RNAV (GPS) RWY 26, Orig, CANCELLED
Mount Holly, NJ, South Jersey Rgnl, Takeoff Minimums and Obstacle DP, Orig
Bennettsville, SC, Marlboro County Jetport-H.E.Avent Field, Takeoff Minimums and Obstacle DP, Orig
Pelion, SC, Lexington County At Pelion, Takeoff Minimums and Obstacle DP, Orig
Atlanta, TX, Hall Miller Muni, NDB RWY 5, Amdt 4
Emporia, VA, Emporia-Greensville Rgnl, Takeoff Minimums and Obstacle DP, Orig
Casper, WY, Casper/Natrona County Intl, ILS OR LOC RWY 3, Amdt 6A
Casper, WY, Casper/Natrona County Intl, ILS OR LOC RWY 8, Amdt 25A
Casper, WY, Casper/Natrona County Intl, RNAV (GPS) RWY 3, Amdt 1A
Casper, WY, Casper/Natrona County Intl, RNAV (GPS) RWY 8, Amdt 1A

Effective 02 JUL 2009

Florala, AL, Florala Muni, Takeoff Minimums and Obstacle DP, Orig
Ankeny, IA, Ankeny Rgnl, GPS RWY 36, Amdt 2A, CANCELLED
Ankeny, IA, Ankeny Rgnl, ILS OR LOC RWY 36, Amdt 1
Ankeny, IA, Ankeny Rgnl, RNAV (GPS) RWY 36, Orig
Cherokee, IA, Cherokee County Rgnl, NDB OR GPS RWY 36, Amdt 4, CANCELLED
Cherokee, IA, Cherokee County Rgnl, RNAV (GPS) Y RWY 36, Orig
Cherokee, IA, Cherokee County Rgnl, RNAV (GPS) Z RWY 36, Orig
Knoxville, IA, Knoxville Muni, NDB RWY 15, Amdt 7, CANCELLED
Knoxville, IA, Knoxville Muni, NDB RWY 33, Amdt 6, CANCELLED
Vinton, IA, Vinton Veterans Meml Arpk, NDB RWY 27, Amdt 4, CANCELLED
Independence, KS, Independence Muni, VOR–A, Amdt 2
Lawrence, KS, Lawrence Muni, RNAV (GPS) RWY 33, Amdt 1
Battle Creek, MI, W K Kellogg, VOR RWY 23, Amdt 18
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM RWY 3R (Simultaneous Close Parallel), ILS PRM RWY 3R (CAT II), ILS PRM RWY 3R (CAT III), Orig
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM RWY 4L (Simultaneous Close Parallel), Orig
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM RWY 4R (Simultaneous Close Parallel), ILS PRM RWY 4R (CAT II), ILS PRM RWY 4R (CAT III), Orig
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM RWY 21L (Simultaneous Close Parallel), Orig
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM RWY 22L (Simultaneous Close Parallel), Orig
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM RWY 22R (Simultaneous Close Parallel), Orig
Holland, MI, Tulip City, ILS OR LOC/DME RWY 26, Amdt 2
Holland, MI, Tulip City, RNAV (GPS) RWY 26, Amdt 3
Holland, MI, Tulip City, Takeoff Minimums and Obstacle DP, Amdt 1
Midland, MI, Jack Barstow, RNAV (GPS) RWY 6, Amdt 1
Midland, MI, Jack Barstow, RNAV (GPS) RWY 24, Amdt 1
Midland, MI, Jack Barstow, Takeoff Minimums and Obstacle DP, Orig
Midland, MI, Jack Barstow, VOR–A, Amdt 7
Pellston, MI, Pellston Rgnl Airport Of Emmet County, Takeoff Minimums and Obstacle DP, Amdt 4
Sparta, MI, Paul C Miller-Sparta, RNAV (GPS) RWY 7, Orig
Sparta, MI, Paul C Miller-Sparta, RNAV (GPS) RWY 25, Orig
Sparta, MI, Paul C Miller-Sparta, VOR–A, Amdt 3
Sparta, MI, Paul C Miller-Sparta, VOR/DME RNAV OR GPS RWY 25, Amdt 2, CANCELLED
Minneapolis, MN, Minneapolis-St Paul Intl/Wold-Chamberlain, LOC RWY 22, Orig-A
Monett, MO, Monett Muni, RNAV (GPS) RWY 18, Amdt 1
Monett, MO, Monett Muni, RNAV (GPS) RWY 36, Amdt 1
Lorain/Elyria, OH, Lorain County Rgnl, RNAV (GPS) RWY 7, Orig
Lorain/Elyria, OH, Lorain County Rgnl, VOR–A, Amdt 3
New Lexington, OH, Perry County, RNAV (GPS) RWY 26, Orig
New Lexington, OH, Perry County, VOR/DME RWY 26, Amdt 2
Casper, WY, Natrona County Intl, RNAV (GPS) RWY 21, Amdt 2
Casper, WY, Natrona County Intl, RNAV (GPS) RWY 26, Amdt 1

[FR Doc. E9–9589 Filed 4–27–09; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

Safety and Health Standards—Underground Metal and Nonmetal Mines

CFR Correction

In Title 30 of the Code of Federal Regulations, parts 1 to 199, revised as of July 1, 2008, on page 358, in § 57.5060, remove paragraph (c)(3)(i) and redesignate paragraphs (c)(3)(ii), (c)(3)(iii), and (c)(3)(iv) as (c)(3)(i), (c)(3)(ii), and (c)(3)(iii) respectively.

[FR Doc. E9–9767 Filed 4–27–09; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS NEW YORK (LPD 21) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective April 28, 2009 and is applicable beginning April 15, 2009.

FOR FURTHER INFORMATION CONTACT: Commander M. Robb Hyde, JAGC, U.S. Navy, Deputy Assistant Judge Advocate

General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS NEW YORK (LPD 21) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 27, pertaining to the placement of all-round task lights in a vertical line; Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(k), pertaining to the vertical separation between anchor lights. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:

■ A. In Table Three, by adding, in alphanumerical order by vessel number, the following entry for USS NEW YORK (LPD 21):

■ B. In Table Four, Paragraph 20 by adding, in alphanumerical order by vessel number, the following entry for USS NEW YORK (LPD 21):

■ C. In Table Five, by adding, in alphanumerical order by vessel number, the following entry for USS NEW YORK (LPD 21):

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE THREE

Vessel	Number	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters 3(b) Annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(k) Annex 1	Anchor lights relationship of aft light to forward light in meters 2(k) Annex 1
* *		*	*	*		*	*	
USS NEW YORK	LPD 21							1.75m below.
* *		*	*	*		*	*	

* * * * *

TABLE FOUR

20. * * *

* * * * * * *

Vessel	Number	Angle in degrees of task lights off vertical as viewed from directly ahead or astern
* * *	* * *	*
USS NEW YORK	LPD21	10

* * * * *

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* * * *		*	*		*
USS NEW YORK	LPD 21			X	71.0
* * * *		*	*		*

* * * * *

M. Robb Hyde,

Commander, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

Dated: April 22, 2009.

A.M. Vallandingham,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–9618 Filed 4–27–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0283]

Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Galveston, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Galveston Causeway Railroad Bascule Bridge across the Gulf Intracoastal Waterway, mile 357.2 west of Harvey Locks, at Galveston, Galveston County, Texas. This deviation provides for the bridge to remain closed to navigation for five hours a day for 14 non-consecutive days in order to perform scheduled maintenance.

DATES: This deviation is effective from 7 a.m. on Monday, May 11, 2009 until noon on Wednesday, June 3, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0283 and are available online at *www.regulations.gov*, selecting the Advanced Docket Search Option on the right side of the screen, inserting USCG–2009–0283 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call David Frank, Bridge Administration Branch, telephone 504–671–2128. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Burlington Northern Railway Company has requested a temporary deviation in order to perform necessary maintenance on the rail joints of the Galveston Causeway Railroad Bascule Bridge across the Gulf Intracoastal Waterway, mile 357.2 west of Harvey Locks, at Galveston, Galveston County, Texas. The maintenance is essential for the continued safe operation of the railroad bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 7 a.m. until noon, Monday through Thursday from Monday, May 11, 2009 until Wednesday, June 3, 2009. The bridge will operate normally for the passage of vessels on Memorial Day, Monday, May 27, 2009. During the closure the draw will be able to open for emergencies after securing the ties on the bridge. Currently, the draw opens on signal for the passage of vessels.

The bridge has a vertical clearance of 10 feet above mean high water in the closed-to-navigation position. Navigation at the site of the bridge consists mainly of tows with barges and some recreational pleasure craft. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels. No alternate routes are available. This closure is considered necessary for repair of the bridge.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 13, 2009.

David M. Frank,

Bridge Administrator.

[FR Doc. E9–9635 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0235]

Drawbridge Operation Regulation; Long Island, NY Inland Waterway From East Rockaway Inlet to Shinnecock Canal, Hempstead, NY, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Wantagh State Parkway Bridge across Sloop Channel at mile 15.4, at Jones Beach, New York. Under this temporary deviation the bridge may operate on a limited operating schedule to facilitate the completion of bridge construction.

DATES: This deviation is effective from April 2, 2009 through May 22, 2009.

ADDRESSES: and are available online at *http://www.regulations.gov,* selecting the Advanced Docket Search Option on the right side of the screen, inserting USCG–2009–0235 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Judy Leung-Yee, Project Officer, First Coast Guard District, telephone 212–668–7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Wantagh State Parkway Bridge has a vertical clearance in the closed position of 16 feet at mean high water. The existing drawbridge operation regulations are listed at 33 CFR 117.5. The New York State Department of Transportation requested a temporary deviation to facilitate the completion of bridge construction.

The waterway has seasonal recreational vessels and fishing vessels of various sizes. We contacted the New York Marine Trades Association and Station Jones Beach. No objection to the proposed temporary deviation schedule was received.

Under this temporary deviation, in effect from April 2, 2009 through May 22, 2009, the Wantagh State Parkway Bridge at mile 15.4, across Sloop Channel, shall operate as follows:

From Monday through Friday the bridge shall open on signal at 6:30 a.m. and 4 p.m. after least a 30-minute advance notice is given. From 4 p.m. to 6:30 a.m. the bridge shall open on signal after at least a two-hour advance notice is given.

From Friday, 4 p.m. through Monday, 6:30 a.m. the bridge shall open on signal after at least a two-hour advance notice is given.

At all other times the bridge need not open for marine traffic.

Advance notice may be given by calling (631) 383–6598.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 10, 2009.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E9–9636 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0223

Drawbridge Operation Regulations; Gowanus Canal, Brooklyn, NY, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Hamilton Avenue Bridge across the Gowanus Canal, mile 1.2, at Brooklyn, New York. Under this temporary deviation the bridge shall require a four-hour advance notice for bridge openings for three months and a three day bridge closure to facilitate bridge maintenance. Vessels that can pass under the draw without a bridge opening may do so at all times.

DATES: This deviation is effective from 6 a.m. on April 21, 2009 through 11:59 p.m. on July 31, 2009.

ADDRESSES: and are available online at *www.regulations.gov,* selecting the Advanced Docket Search Option on the right side of the screen, inserting USCG–2009–0223 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Judy Leung-Yee, Project Officer, First Coast Guard District, telephone 212–668–7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Hamilton Avenue Bridge, across the Gowanus Canal, mile 1.2, at Brooklyn, New York, has a vertical clearance in the closed position of 19 feet at mean high water and 23 feet at mean low water. The Drawbridge Operation Regulations are listed at 33 CFR 117.5. The waterway has seasonal recreational vessels, and commercial vessels of various sizes. The owner of the bridge, New York City Department of Transportation, requested a temporary deviation to facilitate the training of bridge personnel, mechanical and electrical testing at the bridge.

Under this temporary deviation the Hamilton Avenue Bridge shall require at least a four-hour advance notice for bridge openings from April 24, 2009 through July 31, 2009. In addition a three day bridge closure will be necessary from 6 a.m. on April 21, 2009 through 8 p.m. on April 23, 2009, to facilitate bridge railing installation.

Vessels that can pass under the bridge without a bridge opening may do so at all times. Notice may be provided by calling (201) 400–5243.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 10, 2009.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E9–9637 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 160

[Docket No. USCG–2007–28648]

RIN 1625–AB19

Crewmember Identification Documents

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard requires each crewmember on a foreign commercial vessel en route to a U.S. port or place of destination or at a U.S. port or place, or on a U.S. commercial vessel coming from a foreign port or place of departure to a U.S. port or place of destination, to carry and present upon demand an acceptable identification when in U.S. navigable waters. The vessel operators are required to ensure that crewmembers comply with this requirement. This rule would implement a Maritime Transportation Security Act mandate and help ensure that the Coast Guard can authoritatively identify crewmembers on vessels in U.S. navigable waters.

DATES: This final rule is effective May 28, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2007–28648 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2007–28648 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Commander Kelly Post, Coast Guard, telephone 202–372–1405 and e-mail address *Kelly.M.Post@uscg.mil,* or Lieutenant Commander Jonathan H. Maiorine, U.S. Coast Guard Office of Port and Facility Activities, telephone 202–372–1133 and e-mail address *Jonathan.H.Maiorine@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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IV. Discussion of Comments and Changes
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C. Transportation Worker Identification Credential not SID Compliant
D. Interoperability of Identification Credentials
E. Electronic Identification Document Readers
F. Ratification of the ILO 185 Convention

G. Availability of TWIC Hardware and Readers
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V. Regulatory Analyses
A. Regulatory Planning and Review
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I. Abbreviations

CBP U.S. Customs and Border Protection
CFR Code of Federal Regulations
FR Federal Register
ILO International Labour Organization
INA Immigration and Nationality Act
MMC Merchant Mariner Credential
MMD Merchant Mariner Document
MODU Mobile Offshore Drilling Unit
MTSA Maritime Transportation Security Act
OCS Outer Continental Shelf
OMB Office of Management and Budget
PWSA Ports and Waterways Safety Act
SID Seafarer's Identification Document
TSA Transportation Security Administration
TWIC Transportation Worker Identification Credential
U.S.C. United States Code

II. Regulatory History

On May 14, 2008, we published a notice of proposed rulemaking entitled ''Crewmember Identification Documents'' in the **Federal Register** (73 FR 27778). We received 8 letters containing 27 comments on the proposed rule. No public meeting was requested and none was held.

III. Background and Purpose

In section 102 of the Maritime Transportation Security Act of 2002 (MTSA), Public Law 107–295, 116 Stat. 2064, 2080–81 (November 25, 2002), codified at 46 U.S.C. 70111, Congress directed the Secretary of the Department in which the Coast Guard is operating to require all crewmembers on vessels calling at U.S. ports to carry and present on demand any identification the Secretary decides is necessary. Section 102 also directed the Secretary to develop forms and processes for the identification and verification of crewmembers. In section 103 of the MTSA, Congress indicated the objective of requiring crewmember identification is to be able to establish authoritatively, the identity of any seafarer aboard a vessel within U.S. jurisdiction, including U.S. territorial seas. 116 Stat. 2084, and 46 U.S.C. 70111, note.

Congress directed the Secretary to consult with the Attorney General and Secretary of State when developing these crewmember identification requirements. 46 U.S.C. 70111. The Secretary of the Department of Homeland Security (DHS) delegated this rulemaking authority to the Commandant of the Coast Guard and directed the Commandant to develop these requirements in cooperation with U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA). Section 2 (97)(g) of DHS Delegation No. 0170.1, Delegation to the Commandant of the U.S. Coast Guard. A copy of this delegation is available in the docket. Accordingly, the Coast Guard collaborated with CBP and TSA and consulted with the Attorney General and Secretary of State in the development of this rule.

On October 13, 2006, Congress revised 46 U.S.C. 70111 through section 110 of the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109–347 120 Stat. 1891, 1893 (October 13, 2006) and established a deadline for these requirements to be in place not later than October 13, 2007. This rule fulfills Congress' mandate to require that crewmembers on vessels calling at U.S. ports or places of destination carry and present on demand identification the Secretary decides is necessary.

In the preamble of the NPRM, we noted that if an effective rule were issued in the ''Consolidation of Merchant Mariner Qualification Credentials'' (RIN 1625–AB02) rulemaking before we issued this crewmember identification final rule, we would add the Merchant Mariner Credential (MMC) to the list of acceptable identification documents in 33 CFR 160.310. See May 14, 2008, 73 FR 27780. On March 16, 2009, a final rule from the MMC rulemaking was published (74 FR 11196), so we have added the MMC as an acceptable identification in this final rule. The MMC rule is effective April 15, 2009.

IV. Discussion of Comments and Changes

We received 27 comments regarding the proposed rule. The following is a summary of the comments received, and the changes made to the regulatory text since our proposed rule was published.

A. Support for Proposed Rule

Six commenters made statements that were generally supportive of the proposed rule and Coast Guard's efforts to positively identify crewmembers aboard commercial vessels in U.S. waters. In addition, one of these comments included appreciation that the NPRM did not propose to create an undue burden on mariners and that an acceptable identification, along with the appropriate entrance documents (such as a visa and passport), will facilitate shore-leave for mariners.

The Coast Guard agrees. Our objectives in drafting these regulations are to implement statutory requirements in 46 U.S.C. 70111, and to do so in a way consistent with the DHS goal of enhancing security while minimizing the burden upon the maritime industry to the maximum extent possible. We agree that possession of an acceptable identification will enable authoritative identification of crewmembers while in U.S. waters. We remind mariners that compliance with the requirements in this rule, however, does not relieve vessel crewmembers and operators of any requirements under the Immigration and Nationality Act (INA) or INA implementing regulations. We have made no changes from the proposed rule based on these comments.

B. Acceptance of Seafarer's Identification Document

One commenter stated that listing the Seafarer's Identification Document (SID) as an acceptable form of identification appears to create inconsistency in U.S. policy since the United States is not a signatory to the International Labour Organization Convention (ILO) number 185. Another commenter stated that if the SID permits the authoritative identification of a crewmember, then it should suffice for shore leave without a visa.

The Coast Guard disagrees. The United States' position against ratification of the ILO 185 convention is primarily based on the convention's current requirement that all SID holders be granted entry without a visa. This does not mean, however, that the Coast Guard finds no value in or has no appreciation for international crewmember identification, issued by signatory governments, to assist us in

authoritatively identifying crewmembers while in U.S. waters. We have made no changes from the proposed rule based on these comments.

C. Transportation Worker Identification Credential not SID Compliant

Three commenters also expressed concern that because the Transportation Worker Identification Credential (TWIC) is not SID compliant, U.S. mariners may be denied shore-leave while calling on foreign ports whose countries are signatory to the ILO 185 convention in response to foreign mariners with SIDs being denied shore leave while in the United States. In addition, one commenter stated the Coast Guard continues to refuse to take the necessary steps to facilitate shore-leave and this problem must be addressed or mariners will increasingly find themselves held prisoners on their vessel while in port.

The commenters are correct regarding TWIC. It is not ILO 185 SID compliant. We expect that U.S. mariners, while calling on foreign ports of countries either signatory or non-signatory to ILO 185, will continue to be eligible for shore leave based on compliance with the host country's immigration laws, regulations, and policy as they pertain to seafarers. Under the ILO 185 convention, signatory countries agree to permit shore leave to SID-holding mariners without a visa, with some exceptions. Nowhere does the convention state that signatory countries should deny shore leave to mariners without a SID. The United States' position on shore leave for foreign mariners, with or without a SID, remains that it should be facilitated to the maximum extent possible while complying with the applicable requirements under our INA and INA implementing regulations. We have made no changes from the proposed rule based on these comments.

D. Interoperability of Identification Credentials

Four commenters expressed concern that the proposed rule does not enhance interoperability between U.S. and international identification credentials for crewmembers and creates economic disadvantages and security risks by not mandating background checks for foreign crewmembers, similar to those required of U.S. mariners who must obtain a TWIC.

This rule addresses acceptable forms of identification for crewmembers aboard vessels in U.S. waters. By our acceptance in this rule of the international SID, some degree of interoperability, as it pertains to acceptable forms of identification, is achieved. While the comment regarding background checks for foreign crewmembers is outside the scope of this rulemaking, which is focused on authoritatively identifying crewmembers, current requirements and programs are already in place to reduce the risk of a transportation security incident associated with foreign flag vessels and crew.

E. Electronic Identification Document Readers

Also, regarding interoperability, two commenters expressed concern that electronic TWIC readers will not be able to read the SID and, while overseas, SID readers will not be able to read TWICs.

Not all of the documents we define as *acceptable identification* in 33 CFR 160.310 are machine readable, but we expect to be able to efficiently and effectively examine them onboard.

F. Ratification of the ILO 185 Convention

Four commenters expressed support or desire for the United States to ratify the ILO 185 Convention and to remove U.S. visa requirements for crewmembers.

The United States' position regarding ratification of the ILO Convention 185 or removal of U.S. visa requirements for crewmembers is beyond the scope of this rulemaking. This rule is not intended to address immigration or shore leave requirements.

G. Availability of TWIC Hardware and Readers

One commenter stated it makes no sense to require American transportation and maritime workers to comply with TWIC when no hardware or readers exist to actually implement the program.

While outside the scope of this rulemaking, the Coast Guard notes that pilot testing of TWIC readers is currently underway.

H. The Scope of Sanctions

One commenter recommended that sanctions in § 160.320 be applied only to operators and not to crewmembers, stating that ship masters hold the passports of crewmembers on board and proposed § 160.315 requires vessel operators to ensure that their crewmembers have acceptable identification when the vessel is in U.S. waters.

The Coast Guard disagrees with the recommendation that sanctions should only be applied to vessel operators. Section 160.315 requires a crewmember subject to this rule not only to ''carry and present on demand an acceptable identification'', but also provides that ''a crewmember may secure his or her acceptable identification with the vessel's master, so long as the identification can be presented on demand.'' In discussing this section in the preamble of the NPRM, the Coast Guard stated that the practice of crewmembers on a vessel securing their acceptable identification with the master is consistent with the proposed rule if the identification is aboard and can be presented upon demand. 73 FR 27778, 27779, May 14, 2008. This rule is not intended to change existing practices of masters securing crewmember passports. If a crewmember was able to establish that he or she did provide his or her acceptable identification to the master with the understanding that it would be kept on board and made available upon demand, then the Coast Guard would take this into account when enforcing this regulation. We have made no changes from the proposed rule based on this comment.

I. Seamen's Books

One commenter stated that because seamen's books issued by foreign governments under the Seafarers' Identity Document Convention, 1958 (ILO–108) are travel documents that are accepted in place of passports, they should be included as an acceptable identification document for a crewmember. The commenter further stated that even though the United States has not ratified ILO–108, U.S. Customs and Border Protection (CBP) accepts ILO–108 seamen's books in place of passports. The commenter concludes, that while the § 160.310 definition of passport would include ILO–108 seamen's books, it would be helpful to specifically include ILO–108 seamen's books in the list of acceptable identification.

The Coast Guard disagrees with the recommendation that what the commenter refers to as ILO–108 seamen's books should be added to the list of acceptable identification. The Coast Guard also disagrees that such seamen's books meet the § 160.310 definition of passport. CBP may accept a seaman's book, in conjunction with a visa, as a passport alternative for purposes of determining admissibility, but CBP does not accept the book as a SID.

Our crewmember identification document rule lists a specific SID as an acceptable identification: one ''issued by or under the authority of the government of a country that has ratified the International Labour Organization Seafarers' Identity

Documents Convention (Revised), 2003 (ILO 185), meeting all the requirements of ILO 185.'' See 33 CFR 160.310. ILO–185 went into force on February 9, 2005, and, as its title indicates, revised ILO–108, Seafarers' Identity Documents Convention, 1958. The term ''seamen's books'' does not appear in ILO–108. And, like ILO–185, the 1958 convention refers to the issuance of a seafarer's identity document, not a seaman's book.

Under the 1958 Convention, a SID had to conform to the provisions of Article 4 of ILO–108, which include ''particulars concerning the bearer.'' The list of ILO–108 particulars, however, is not as extensive as those in ILO–185. As noted above, to be considered an acceptable identification, a SID must meet all the requirements of ILO 185. And while ILO–185 permits either ''a previous SID, or a seafarers' discharge book'' to be used as proof an applicant for a SID is a seafarer, neither convention uses the term ''seamen's book'' or ''seafarers' discharge book'' to label the document issued by or under the authority of the government of a country that has ratified an ILO SID convention as the document that must be recognized by other nations that have ratified the convention.

We have not found a valid formal definition of the term ''seamen's book.'' In addition, the term ''seaman's book'' is not used in either ILO–108 or ILO–185, and the somewhat similar term ''seafarers' discharge book'' is used in ILO–185, but for the limited purpose of providing proof that an applicant for an ILO–185 SID is a seafarer. Accordingly, we do not interpret either term as meeting the 33 CFR 160.310 definition of passport. We have made no changes from the proposed rule based on this comment.

J. Outer Continental Shelf Offshore Workers

One commenter questioned the need for additional identification documents for offshore workers located on the U.S. Outer Continental Shelf (OCS) in the Gulf of Mexico. Another commenter inferred that the Coast Guard does not consider a location on the OCS to be a ''foreign port or place,'' and asked for confirmation that this term, used in 33 CFR 160.300(a)(2), refers to a port or place outside of U.S. jurisdiction. A third comment added that crewmembers of a Mobile Offshore Drilling Unit (MODU) on the OCS should not have to present anything other than what is currently applicable for transport to and from a MODU.

The Coast Guard does not consider a location on the OCS to be a foreign port or place. See 43 U.S.C. 1333. Applicability provisions in 33 CFR 160.300(a)(2) would not be triggered by a U.S.-flag vessel engaged in commercial service departing a place or MODU on the OCS because it would not be coming from a foreign port or place of departure. We have made no changes from the proposed rule based on this comment.

K. Travel Outside U.S. Territorial Sea

One commenter made a related request for assurances that the rule would not apply to crewmembers of U.S.-flagged passenger vessels that travel outside the U.S. territorial sea, but do not enter a foreign port or place. This commenter provided examples of U.S.-flagged whale-watching vessels or cruise-to-nowhere gaming vessels.

As noted above, the requirements of this rule would apply to a U.S.-flag vessel if it is engaged in commercial service and is coming from a foreign port or place of departure. 33 CFR 160.300(a)(2). In the definition section, § 160.310, the term ''port or place of departure'' is defined as ''any port or place in which a vessel is anchored or moored.'' If a U.S.-flagged vessel travels beyond the U.S. territorial sea but has not anchored or moored at a port or place in the waters of a foreign country, then it would not trigger the requirements of this rule because it would not be coming from a foreign port or place of departure when it returns to U.S. waters. We have made no changes from the proposed rule based on this comment.

L. Navigable Waters of the United States

One comment recommended that the Coast Guard more clearly define the scope of the term ''navigable waters of the United States'' in the final rule by including either a 3- or 12-mile-wide territorial sea as measured from the baseline, and not rely on reference to 33 CFR 2.36(a), which contains an additional reference.

In § 160.310 of the proposed rule, the Coast Guard defined the term ''navigable waters of the United States'' to mean ''the same as this term is defined in 33 CFR 2.36(a).'' That definition in § 2.36(a) identifies navigable waters as including U.S. territorial seas, U.S. internal waters subject to tidal influence, and certain U.S. internal waters not subject to tidal influence. In 33 CFR part 2, the Coast Guard provides a separate definition of ''territorial sea.'' Under this § 2.22 definition, the width of the territorial sea may be 3- or 12-nautical miles depending on the statute or regulation being enforced.

This crewmember identification document rule is issued under MTSA authority found at 46 U.S.C. 70111, as well as 33 U.S.C. 1223 and 1231 from the Ports and Waterways Safety Act (PWSA), Public Law 92–340 (July 10, 1972). Under both of these authorities, the territorial sea is 12 nautical miles wide. Under § 2.22(a)(1)(v), we interpret the territorial sea for regulations issued under MTSA, which was enacted after the Presidential Proclamation 5928 of December 27, 1988, to be 12 nautical miles wide. Also, the Coast Guard has already established that it interprets the territorial sea to be 12-nautical-miles wide for the PWSA. 33 CFR 2.22(a)(1)(i). In response to this comment, the Coast Guard has revised its definition in § 160.310 to read:

> *Navigable waters of the United States* means the same as this term is defined in 33 CFR 2.36(a). This includes a 12-nautical-mile wide U.S. territorial sea as measured from the baseline, U.S. internal waters subject to tidal influence, and certain U.S. internal waters not subject to tidal influence.

This is one of only three changes from the regulatory text in the proposed rule.

M. Change Based on MMC Final Rule Being Issued

As noted above, on March 16, 2009, a final MMC rule was published (74 FR 11196). In our NPRM, we stated that if an effective rule were issued in the ''Consolidation of Merchant Mariner Qualification Credentials'' rulemaking before we issued this crewmember identification final rule, we would add the MMC to the list of acceptable identification documents. May 14, 2008, 73 FR 27780. Because this condition has been met we have added the MMC to 33 CFR 160.310, which defines *acceptable identification* for purposes of this rulemaking.

N. Clarification of Force Majeure Exception

In § 160.305 of the NPRM, we stated that requirements of this rule would not be ''enforced against crewmembers and operators on a vessel bound for a U.S. port or place of destination under a claim of force majeure.'' It is clearer, however, to state that the requirements of this rule do not apply in those circumstances. Accordingly, consistent with our NPRM preamble description of this section dealing with forces beyond the ship master's control, we have revised § 160.305 to clarify that 33 CFR part 160, subpart D requirements will not apply to crewmembers and operators on a vessel bound for a U.S. port or place of destination under force majeure.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

Public comments on the NPRM are summarized in Part IV of this preamble. We received no public comments that would alter our assessment of impacts in the NPRM. We have adopted the assessment in the NPRM as final. See the ''Regulatory Evaluation'' section of the NPRM for more details.

We expect that most crewmembers, U.S. and foreign, already possess an acceptable identification. Acceptable identifications in this rule are consistent with current identifications accepted by the Coast Guard and CBP to identify crewmembers. In addition, we expect that crewmembers carry their identification with them and that vessel operators examine the identification because carriers are required under 19 CFR 4.7b(d) and 4.64(d) to view these documents when preparing crew manifests, and because vessel operators are required to record the document number on the notice of arrival under 33 CFR 160.206(a)(4)(iv).

We provide estimates of burden and costs associated with this rule in the ''Collection of Information'' section of this rule.

B. Small Entities

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

Although the rule requires vessel operators to ensure that all crewmembers on the vessel have acceptable identification, we expect that vessel operators already look for an identification document from each crewmember in order to record the document number on the notice of arrival. Otherwise, the burdens proposed by this rule fall on crewmembers and not on small entities as defined in the Regulatory Flexibility Act. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

D. Collection of Information

This rule calls for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions.

We received no public comment that would alter our assessment of the respondents and burden in the NPRM. We have adopted the assessment in the NPRM as final. See the ''Regulatory Evaluation'' section of the NPRM for more details. A summary of our respondent and burden estimates follow.

Title: Crewmember Identification Documents.

OMB Control Number: 1625–0113.

Summary of the Collection of Information: This collection of information comprises the recordkeeping necessary to possess, present on demand, and ensure compliance with requirements for identification of crewmembers on foreign and U.S. vessels in navigable waters of the United States.

Need for Information: In the MTSA, Congress directed the Secretary of the Department in which the Coast Guard is operating to require all crewmembers on vessels calling at U.S. ports to carry and present on demand any identification the Secretary decides is necessary. The acceptable identification required by this rule will allow the Coast Guard to authoritatively identify crewmembers on vessels within U.S. waters.

Use of Information: The information collected would be used to authoritatively identify crewmembers on vessels within U.S. waters.

Description of the Respondents: The respondents include all crewmembers on a foreign vessel in the navigable waters of the United States en route to a U.S. port or place of destination or at a U.S. port or place, and all crewmembers on a U.S. commercial vessel in the navigable waters of the United States coming from a foreign port or place of departure to a U.S. port or place of destination. The respondents also include the operators of those foreign and U.S. vessels.

Number of Respondents: We estimate the number of respondents is 838,084 persons, comprising crewmembers and vessel operators. This figure is based on Coast Guard records of the number of affected vessels that enter U.S. ports, Coast Guard estimates of the number of crewmembers on vessels, and estimates of the frequency of crew rotation. Using Coast Guard Notice of Arrival data, we estimate 10,649,843 responses per year from all crewmembers and operators. This estimate varies somewhat by year.

Frequency of Response: We estimate, on average, a typical crewmember would respond 13 times per year. Vessel operators would respond each time a vessel submits a notice of arrival.

Burden of Response: Coast Guard records indicate the burden imposed on the respondents is negligible. From our records, we expect nearly all crewmembers already possess and carry an acceptable identification. We also expect vessel operators already check crewmembers' identifications since the type and number must be reported on the Notice of Arrival.

Estimate of Total Annual Burden: We estimate there would be no more than 320,851 potential annual responses involving a document other than acceptable identification. Based on an average of 13 visits per crewmember per year, this amounts to about 24,681 crewmembers that use some other form of identification. We estimate the cost burden of response for these crewmembers to be $2,714,910, using $97 as the cost of obtaining an acceptable ID, and $13 as the opportunity cost of time.

As required by 44 U.S.C. 3507(d), we submitted a copy of the proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information. On November 20, 2008, OMB approved the collection for a 3-year period, until November 30, 2011.

The OMB Control Number for this collection is 1625–0113.

You are not required to respond to a collection of information unless it displays a currently valid OMB control number. This publication of OMB's control number in the **Federal Register** will constitute display of that number, see 5 CFR 1320.3(f)(3), as required under 44 U.S.C. 3506(c)(1)(B).

E. Federalism

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

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. Protection of Children

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

J. Indian Tribal Governments

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

K. Energy Effects

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

L. Technical Standards

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

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

M. Environment

We have analyzed this rule under Department of Homeland Security Directive 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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(d) of the Instruction, and neither an environmental assessment nor an environmental impact statement is required. This rule involves crewmember identification documents and falls within the documentation portion of this categorical exclusion. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous materials transportation, Identification, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, Vessels, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 160 as follows:

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

■ 1. The authority citation for part 160 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1. Subpart C is also issued under the authority of 33 U.S.C. 1225 and 46 U.S.C. 3715.

■ 2. Add subpart D, consisting of §§ 160.300 through 160.320, to read as follows:

Subpart D—Crewmember Identification

Sec.
160.300 Applicability.
160.305 Exceptions.
160.310 Definitions.
160.315 Crewmember identification requirement.
160.320 Sanctions and vessel control.

§ 160.300 Applicability.

(a) This subpart applies to crewmembers on the following vessels in the navigable waters of the United States en route to a U.S. port or place of destination or at a U.S. port or place:

(1) A foreign vessel engaged in commercial service, and

(2) A U.S. vessel engaged in commercial service and coming from a foreign port or place of departure.

(b) This subpart also applies to the operators of the vessels listed in paragraph (a) of this section.

§ 160.305 Exceptions.

Requirements in this subpart do not apply to crewmembers and operators on a vessel bound for a U.S. port or place of destination under *force majeure.*

§ 160.310 Definitions.

As used in this subpart, and only for purposes of this supbpart—

Acceptable identification means a:

(1) Passport;

(2) U.S. Permanent Resident Card;
(3) U.S. merchant mariner document;
(4) U.S. merchant mariner credential;
(5) Transportation Worker Identification Credential (TWIC) issued by the Transportation Security Administration under 49 CFR part 1572; or
(6) Seafarer's Identification Document (SID) issued by or under the authority of the government of a country that has ratified the International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185), meeting all the requirements of ILO 185.

Commercial service means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

Crewmember means all persons carried onboard a vessel to provide: navigation services; maintenance of the vessel, its machinery, or systems; arrangements essential for propulsion or safe navigation; or services for other persons onboard.

Foreign vessel means a vessel of foreign registry or operated under the authority of a country except the United States.

Navigable waters of the United States means the same as this term is defined in 33 CFR 2.36(a). This includes a 12-nautical-mile wide U.S. territorial sea as measured from the baseline, U.S. internal waters subject to tidal influence, and certain U.S. internal waters not subject to tidal influence.

Operator means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

Passport means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place in which a vessel is bound to anchor or moor.

§ 160.315 Crewmember identification requirement.

(a) A crewmember subject to this subpart must carry and present on demand an acceptable identification. An operator subject to this subpart must ensure that every crewmember on the vessel has an acceptable identification in his or her possession when the vessel is in the navigable waters of the United States. For purposes of this section, a crewmember may secure his or her acceptable identification with the vessel's master, so long as the identification can be presented on demand.

(b) Compliance with the requirements in this section does not relieve vessel crewmembers and operators of any requirements under the Immigration and Nationality Act (INA) or INA implementing regulations. Likewise, compliance with INA requirements does not relieve vessel crewmembers and operators of the requirements in this section.

§ 160.320 Sanctions and vessel control.

Failure to comply with this subpart will subject the crewmember and operator to a civil penalty under 46 U.S.C. 70119 and the vessel to control under 33 U.S.C. 1223(b).

Dated: April 22, 2009.

Howard L. Hime,

Acting Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. E9–9634 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0179]

RIN 1625–AA00

Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I.

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast is establishing a temporary safety zone on the navigable waters of St. Thomas Harbor in support of the Virgin Islands Carnival Finale fireworks display. This temporary safety zone is necessary to provide for the safety of spectators, participating vessels and their crews, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port (COTP) San Juan or the designated representative.

DATES: This rule is effective from 7 p.m. on May 2, 2009, through 10:30 p.m. on May 2, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0179 and are available online by going to *http://www.regulations.gov*, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0179 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Mr. John Reyes, Marine Information Specialist, U.S. Coast Guard, Prevention Department telephone 787–729–5381, e-mail *John.Reyes@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because information regarding the event was not provided with sufficient time to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public during the fireworks display.

For the same reasons above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction and provide on scene notification.

Background and Purpose

This rule is required to provide for the safety of life in St. Thomas Harbor because fireworks will be launched from a vessel within the harbor. These fireworks could potentially pose a safety hazard to the small craft operators that

frequent the area. To prevent injury or loss of life or property, a safety zone is required to maintain a safe distance between the fireworks vessel and any spectators or other users of the waterway.

Discussion of Rule

This rule establishes a temporary safety zone around the fireworks vessel at a radius determined by the National Fire Protection Agency (NFPA) Standards. The safety zone includes all waters within a 280 yard radius of the fireworks vessel. The fireworks vessel will be anchored in position 18°20′15″ N, 064°55′41″ W in the vicinity of Kings Wharf Bay inside St. Thomas Harbor. All non-participating persons and vessels are prohibited from entering the safety zone without permission from the COTP San Juan or the designated representative.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is not necessary. This rule will only affect those vessels that would attempt to transit or anchor in that portion of St. Thomas Harbor between the hours of 7 p.m. and 10:30 p.m. Vessel traffic will still be able to flow in and out of Kings Wharf Bay around the limit of the safety zone.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of St. Thomas Harbor from 7 p.m. to 10:30 p.m. on May 2, 2009. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only 3½ hours at night when vessel traffic is low. Vessel traffic can pass safely around the safety zone. Before the effective periods, we will issue maritime advisories widely available to users of the harbor.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 0023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves establishing a temporary safety zone and is considered a regulation ''establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones'' as stated in Paragraph (34(g).

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0179 to read as follows:

§ 165.T07–0179 Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I.

(a) *Regulated Area.* The Coast Guard is establishing a temporary safety zone on the navigable waters of St. Thomas Harbor for a fireworks display within the harbor. The safety zone is circular in shape and extends in a 280 yard radius from the launch vessel which will be anchored in position 18°20′15″ N, 064°55′41″ W in the vicinity of Kings Wharf Bay.

(b) *Definitions.* The following definitions apply to this section: *Designated Representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels and Federal, State, and local officers designated by or assisting the COTP San Juan in the enforcement of the safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entering, anchoring, mooring or transiting in the Regulated Area is prohibited unless specifically authorized by the Coast Guard COTP San Juan or a designated representative. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction and provide on scene notification.

(d) *Effective Date.* This rule is effective from 7 p.m. on May 2, 2009, through 10:30 p.m. on May 2, 2009.

Dated: April 6, 2009.

J.M. Nunan,

Captain, U.S. Coast Guard, Acting Captain of the Port San Juan.

[FR Doc. E9–9640 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 200

Organization, Functions, and Procedures; Correction

AGENCY: Forest Service, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the final regulation which published in the **Federal Register** of June 19, 1997 (62 FR 33365). The regulations grant the basic authority of the Chief to issue directives concerning Forest Service operations.

DATES: Effective on April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Lorrie Parker, Washington Office, Office of Regulatory and Management Services, (202) 205–6560.

SUPPLEMENTARY INFORMATION:

Background

The final regulations, that are the subject of this correction, were updated to clarify the description of the Forest Service Directive System with respect to the issuance of directives, and includes in section 200.4 paragraph (e) a reference to the alphabetical index of the directives in Forest Service Handbook 1109.11, Directive System User Guide. This Forest Service Handbook was removed entirely from the Forest Service directive system effective May 11, 2001, and the Agency direction moved to Forest Service Handbook 1109.12, Directive System Handbook.

Need for Correction

As published, the final regulations contain incorrect information which may be misleading and need to be clarified.

List of Subjects in 36 CFR Part 200

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies).

■ Accordingly, 36 CFR Part 200 is corrected by making the following correcting amendments:

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

■ 1. The authority citation of part 200 continues to read as follows:

Authority: 5 U.S.C. 552; 7 U.S.C. 6706; 16 U.S.C. 472, 521, 1603, and 2101 *et seq.*

Subpart B—Functions and Procedures

■ 2. In § 200.4, revise paragraph (e) to read as follows:

§ 200.4 Administrative issuances.

* * * * *

(e) An alphabetical index of the contents of the Forest Service Manual and related Forest Service Handbooks is published in Forest Service Handbook 1109.12, Directive System Handbook. The index contains a listing of all Series, Titles, and Chapters in the Forest Service Manual and a listing of all Forest Service Handbooks in the Directive System.

* * * * *

Dated: April 21, 2009.

Charles L. Myers,

Deputy Chief, Business Operations.

[FR Doc. E9–9494 Filed 4–27–09; 8:45 am]

BILLING CODE 3410–11–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0028; FRL–8897–3]

Approval and Promulgation of Implementation Plans; Texas; Revisions to Particulate Matter Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions for the state of Texas. These revisions revise and recodify regulations for control of particulate matter in the Texas SIP. This rulemaking action is being taken under section 110 of the Federal Clean Air Act (CAA).

DATES: This rule is effective on May 28, 2009.

ADDRESSES: EPA has established a docket for this action under Docket No. EPA–R06–OAR–2005–TX–0028. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a fee of 15 cents per page for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

FOR FURTHER INFORMATION CONTACT: Joe Kordzi, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7186; fax number 214–665–7263; e-mail address *kordzi.joe@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Outline

I. What Is the Background?
A. Recent History of the Changes to 30 TAC Chapter 111
B. Recap of Our Previous 1999 Action on 30 TAC Chapter 111
II. What Action Is EPA Taking?
III. Statutory and Executive Order Reviews

I. What Is the Background?

A. Recent History of the Changes to 30 TAC Chapter 111

On October 28, 1999, we proposed to approve (1) a recodification of and revisions to the regulations for the control of particulate matter into the Texas SIP, and (2) the removal of the Texas Air Control Board, Board Seal rule from the Texas SIP and requested public comments on our action (64 FR 58006). A simultaneous notice of direct final rulemaking was also published (64 FR 57983). However, on November 29, 1999, we received an adverse comment concerning our proposal to replace 30 TAC 111.105.2, Ground Level Concentrations, with 30 TAC 111.155, Control of Air Pollution from Visible Emissions and Particulate Matter. We received no other comments on the direct final rulemaking. We therefore withdrew the particulate matter regulations' part of the direct final rulemaking action on December 17, 1999 (64 FR 70593) to consider how to address the comment. We finalized approval of the second portion of the NPR, *i.e.*, the removal of the Board Seal rule from the Texas SIP, on March 30, 2005 (70 FR 16129) since there were no comments on our proposed approval.

Since our proposed approval, we have been in discussions with TCEQ regarding planned modifications to Chapter 111. On June 16, 2006, we received a request from the TCEQ to remove from consideration its previous request to replace 30 TAC 111.105.2 with 30 TAC 111.155 and to revise the Texas SIP by removing 30 TAC 105.2. In part, because of this request, we are not finalizing our proposed approval of TAC 111.155. We are finalizing our approval of the remaining sections of TAC Chapter 111 that we proposed approval of in 1999 as there were no comments on our proposed approval of these sections.

B. Recap of Our Previous 1999 Action on 30 TAC Chapter 111

The following is a recap of the particulate matter portion of the October 28, 1999 proposed action. The State repealed all of its existing particulate matter regulations and replaced them in Chapter 111, Sections 111.101 to 111.183, on June 16, 1989. The State revised the new sections in 1990, 1991 and 1993. We approved into the Texas SIP in 1994 and 1996 many of the new sections of Chapter 111, but not all of them. On August 21, 1996, the State made further formatting and reorganization changes by adding two Subchapters to Chapter 111, putting the open burning regulations under the new Subchapter B and all other sections into the new Subchapter A.

We proposed in October 1999 to approve the sections of the 1989 recodification of Chapter 111 and the 1990, 1991, and 1993 revisions that we had not previously approved. We also proposed to approve the 1996 Subchapter additions and reorganization changes. We proposed to approve the new recodified Sections 111.121, 111.151, 111.153 (with some substantive revisions), 111.155, 111.171 (with the deletion of Figure 3), 111.173, 111.175, 111.181, and 111.183. We also proposed to approve the 1996 moving and recodification of Sections 111.101, 111.103, 111.105, and 111.107 into a new Subchapter B as Sections 111.201, 111.203 (adding new definitions for clarity), 111.205, 111.207, 111.209 (clarifying the types of waste and allowing burning of diseased animal carcasses when burning is the most effective means to control the spread of disease), 111.211, 111.213 (adding new sampling and monitoring requirements), 111.215 (clarifying the burning cannot cause a nuisance condition or traffic hazard), 111.219, and 111.221. Furthermore, we proposed to approve the 1996 moving and recodification of all of the remaining sections in Chapter 111 into the new Subchapter A.

Please refer to the 1999 **Federal Registers** for additional information concerning the nature of the proposed action to approve revisions and recodification to the particulate matter regulations.

II. What Action Is EPA Taking?

We are approving revisions to Regulation I in the Texas SIP adopted by the TACB on June 16, 1989, and submitted to EPA on August 21, 1989, concerning *Incineration, Emission Limits on Nonagricultural Processes* (with the exception of Section 111.155), *Emission Limits on Agricultural*

Processes, Exemptions for Portable or Transient Operations, and the repeal of Section 111.92, *Compliance Dates*.

We are also approving revisions, adopted by the Texas Natural Resources Commission (now TCEQ) March 29, 1995, and August 21, 1996, and submitted to EPA on July 12, 1995, and August 30, 1996, respectively. These revisions revise and move the Outdoor Burning sections of Regulation I into new *Subchapter B, Outdoor Burning*, and move the rest of the sections in Regulation I into new *Subchapter A, Visible Emissions and Particulate Matter*. This will bring the Texas particulate matter SIP more up to date in both format and substance and make the SIP more consistent with the State's rules which would enhance Federal enforcement.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 29, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 14, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

■ 2. The table in § 52.2270(c) entitled ''EPA Approved Regulations in the Texas SIP'' is amended by revising the entries under Chapter 111 to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 111 (Reg 1)—Control of Air Pollution from Visible Emissions and Particulate Matter Subchapter A: Visible Emissions and Particulate Matter Division 1: Visible Emissions			
Section 111.111(a), (b)	Requirements for Specified Sources	6/18/1993	5/8/1996, 61 FR 20732.	
Section 111.111(c)	Requirements for Specified Sources	10/25/1991	1/18/1994, 59 FR 2532.	
Section 111.113	Alternative Opacity Limitations	6/16/1989	5/8/1996, 61 FR 20732.	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Division 2: Incineration				
Section 111.121	Single-Chamber Incineration	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Division 4: Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots				
Section 111.141	Geographic Areas of Application and Date of Compliance.	10/25/1991	1/18/1994, 59 FR 02532.	
Section 111.143	Materials Handling	6/16/1989	1/18/1994, 59 FR 02532.	
Section 111.145	Construction and Demolition	10/25/1991	1/18/1994, 59 FR 02532.	
Section 111.147	Roads, Streets, and Alleys	10/25/1991	1/18/1994, 59 FR 02532.	
Section 111.149	Parking Lots	6/16/1989	1/18/1994, 59 FR 02532.	
Division 5: Emission Limits on Nonagricultural Processes				
Section 111.151	Allowable Emissions Limits	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.153	Emission Limits for Steam Generators	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Rule 105.2	Ground Level Concentrations	1/26/1972	5/31/1972, 27 FR 10842.	
Division 6: Emission Limits on Agricultural Processes				
Section 111.171	Emission Limits Based on Process Weight Method.	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.173	Emissions Limits Based on Alternate Method	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.175	Exemptions	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Division 7: Exemptions for Portable or Transient Operations				
Section 111.181	Exemption Policy	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.183	Requirements for Exemptions	6/16/1989	*4/28/2009 [Insert FR page number where document begins].*	
Subchapter B: Outdoor Burning				
Section 111.201	General Prohibitions	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.203	Definitions	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.205	Exceptions for Fire Training	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.207	Exceptions for Fires Used for Recreation, Ceremony, Cooking, and Warmth.	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.209	Exception for Disposal Fires	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.211	Exception for Prescribed Burn	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 111.213	Exception for Hydrocarbon Burning	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.215	Executive Director Approval of Otherwise Prohibited Outdoor Burning.	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.219	General Requirements for Allowable Outdoor Burning.	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
Section 111.221	Responsibility for Consequences of Outdoor Burning.	8/21/1996	*4/28/2009 [Insert FR page number where document begins].*	
*	*	*	*	*

[FR Doc. E9–9539 Filed 4–27–09; 8:45 am]
BILLING CODE P

Proposed Rules

Federal Register
Vol. 74, No. 80
Tuesday, April 28, 2009

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 193

[Docket No. FAA–2009–0245]

Voluntary Disclosure Reporting Program; National Wildlife Aircraft Hazard Database

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of determination not to proceed with proposed order designating information as protected from disclosure.

SUMMARY: The FAA proposed that bird strike information voluntarily reported to the Agency and entered into the FAA's National Wildlife Aircraft Hazard Database be designated by an FAA order as protected from public disclosure in accordance with the provisions of 14 CFR part 193. After further review and consideration, the FAA has determined not to proceed with an order designating the wildlife database as protected under part 193.

FOR FURTHER INFORMATION CONTACT: John Weller, Airport Safety and Operations Division, AAS–300, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone (202) 267–3778.

SUPPLEMENTARY INFORMATION:

Availability of This Notice

You can get an electronic copy of this notice using the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations-policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

Background

Under 49 U.S.C. 40123, certain voluntarily provided safety and security information is protected from disclosure to encourage persons to provide the information to the FAA. The FAA must issue an order to make certain findings before the information is protected from disclosure. The FAA's rules implementing that section are in 14 CFR part 193. If the Administrator issues an order designating information as protected under 49 U.S.C. 40123, that information will not be disclosed under the Freedom of Information Act (5 U.S.C. 552) or other laws except as provided in 49 U.S.C. 40123 and 14 CFR part 193.

On March 19, 2009, the FAA published a proposed order that, if adopted, would have designated certain information in the FAA's wildlife database as information protected under part 193. This proposed order was issued under 14 CFR 193.111, which sets out the notice procedure for designating information as protected. The FAA invited interested persons to participate in this proposal by submitting written comments, data, or views. We also invited comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The comment period concluded on April 20, 2009. The FAA received 47 comments, the majority of which were not in favor of protecting the database.

After further review and consideration, the FAA has determined not to proceed with an order designating information in the National Wildlife Aircraft Strike database as protected under part 193 at this time. The FAA will modify the public Wildlife Aircraft Strike Web site to make the database available to all users consistent with the Freedom of Information Act (FOIA) and Agency policy.

Issued in Washington, DC, on April 22, 2009.

Catherine M. Lang,

Acting Associate Administrator for Airports.

[FR Doc. E9–9638 Filed 4–24–09; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

16 CFR Part 259

Guide Concerning Fuel Economy Advertising for New Automobiles

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is seeking comments on proposed amendments to the FTC's Guide Concerning Fuel Economy Advertising for New Automobiles (''Fuel Economy Guide'' or ''Guide''). The amendments would amend the Guide to reflect changes to the Environmental Protection Agency's (''EPA'') fuel economy labeling rules for new automobiles and to take into account developments in automobile technology.

DATES: Written comments must be received by June 26, 2009.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to ''Fuel Economy Guide Review, Matter No. R711008'' to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Website, at (*http://www.ftc.gov/os/publiccomments.shtm*).

Because comments will be made public, they should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential. . . .,'' as provided in Section 6(f) of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled

''Confidential,'' and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (*https://secure.commentworks.com/ftc-fueleconomyguide*) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink (*https://secure.commentworks.com/ftc-fueleconomyguide*). If this Notice appears at (*http://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC Website at *http://www.ftc.gov* to read the Notice and the news release describing it.

A comment filed in paper form should include the ''Fuel Economy Guide Review, Matter No. R711008'' reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex F), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC Website, to the extent practicable, at (*http://www.ftc.gov/os/publiccomments.shtm*). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.shtm*).

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326-2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 601 New Jersey Avenue, N.W., Washington, DC 20001.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission adopted the Fuel Economy Guide in 1975 to prevent deceptive fuel economy advertising and to facilitate the use of fuel economy information in advertising. The Guide helps advertisers avoid making claims that are unfair or deceptive under Section 5 of the FTC Act (15 U.S.C. 45(a)).[2] To accomplish this goal, the Guide contains specific information about the disclosure of mileage information generated by EPA's well-established fuel economy program. Under EPA regulations (40 CFR Part 600), vehicle manufacturers must disclose fuel economy numbers on labels attached to new automobiles.[3] In addition, EPA regulations contain specific testing protocols (*see* 40 CFR Part 86) that manufacturers must use to derive the fuel economy information used on labels.

To avoid deceptive or unfair claims in advertisements that contain fuel economy representations, the Fuel Economy Guide advises marketers to disclose established fuel economy estimates (*e.g.*, miles per gallon or ''mpg'') as determined by the mandatory EPA testing protocols (''EPA tests''). If advertisers make fuel economy claims based on non-EPA tests, the Guide directs them to disclose EPA-derived fuel economy information and provide details about the non-EPA tests such as the source of the test, driving conditions, and vehicle configurations.

In 1978 and again in 1995, the Commission amended the Guide to make it consistent with changes to EPA's regulations. (43 FR 55757 (Nov. 29, 1978); and 60 FR 56230 (Nov. 8, 1995)). On December 27, 2006 (71 FR 77872), the EPA published new requirements for fuel economy labeling. The revised EPA rules include modifications to the mandatory fuel economy test that, among other things, incorporate different driving conditions (*e.g.*, cold temperatures) into the determination of fuel mileage estimates. The recent EPA amendments also modify the design of the fuel economy label and require disclosure of combined (*i.e.*, city and highway) fuel economy figures in addition to separate city and highway ratings.

Following EPA's amendments, the Commission published a **Federal Register** notice on May 9, 2007 (72 FR 26328) seeking comment on the overall costs, benefits, necessity, and regulatory and economic impact of the Guide. The Notice also sought comment on whether the Guide should be amended in light of EPA's recent rule changes. The Commission has reviewed the comments received, and now is seeking comment on proposed amendments to the Guide. This Notice contains an analysis of the comments received and a description of the proposed amendments (section II), an invitation for comment on those amendments (section III), and the proposed language for the amendments (section IV).

II. Analysis of Comments

The Commission received four comments in response to its May 9, 2007 notice.[4] The comments raised a variety of issues about the current Guide. Those comments, along with the Commission's responses, are detailed as follows:

A. Benefits of and Need for the Guide

Issue and Comments: In the May 9, 2007 **Federal Register** notice, the Commission asked whether there is a continuing need for the Fuel Economy Guide and whether the Guide is necessary to prevent unfair or deceptive practices. In response, the comments indicated that the Guide provides significant benefits to consumers. According to the Alliance of Automobile Manufacturers (''Alliance''), the Guide ''is an important industry standard'' that has resulted in informative disclosures to consumers that are not overly burdensome to

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

[2] The Commission's industry guides, such as the Fuel Economy Guide, are administrative interpretations of the application of Section 5 of the FTC Act, 15 U.S.C. 45(a). The Commission issues industry guides to provide guidance for the public to conform with legal requirements. These guides provide the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry. 16 CFR Part 17. Failure to follow industry guides may result in corrective action under Section 5 of the FTC Act. In any such enforcement action, the Commission must prove that the act or practice at issue is unfair or deceptive.

[3] EPA issued its fuel economy labeling regulations pursuant to the Energy Policy and Conservation Act of 1975 (49 U.S.C. 32901).

[4] Alliance of Automobile Manufacturers (#529732-00005); Association of International Automobile Manufacturers, Inc. (#529732-00008); Broward County Consumer Affairs (#529732-00001) (#529732-00002) (#529732-00003) (#529732-00004); and National Automobile Dealers Association (#529732-00007).

manufacturers. The Association of International Automobile Manufacturers, Inc. (''AIAM'') described the Guide as ''an important industry and consumer resource.'' Similarly, the National Automobile Dealers Association (''NADA'') wrote that the Guide ''serves to assure prospective new vehicle purchasers that fuel economy claims consistently will be advertised in an understandable manner.'' In NADA's view, the Guide also helps ''ensure that prospective purchasers receive objective, uniform information, and that manufacturers and dealers fairly and even-handedly advertise the fuel economy of the new vehicles they sell.''

The Broward County Consumer Affairs Division (''Broward County''), a local consumer protection agency in Florida, also supported continued publication of the Guide. In its view, manufacturers and dealers would engage in unfair or deceptive trade practices routinely if the Guide did not exist. Broward County uses the Guide to review fuel economy advertisements and to bring enforcement actions in its role as a watchdog over the advertising and sale of new vehicles. Without the Guide, Broward County believes ''consumers would be at a significant disadvantage when buying a new car.'' Broward County also noted that the Guide yields benefits for both consumers and industry by encouraging consistency in fuel economy advertising, which provides ''stability and equality for the consumer when purchasing a new car.'' In addition, Broward County indicated that, in its view, ''auto dealers and manufacturers find it easier, more cost effective and less labor intensive to use the pre-determined EPA estimates.''

While all the comments generally supported the Guide, several noted the need to update specific provisions. For example, both Alliance and AIAM urged the Commission to amend the Guide to ensure consistency with EPA regulations and reflect changes in vehicle technology and fuel use. AIAM noted, however, that despite the need for conforming changes, there is no need to alter the basic information in the Guide.

Discussion: The Commission plans to retain the Guide. The comments received suggest that the Fuel Economy Guide is useful to both consumers and the new vehicle industry. The Guide encourages clarity in advertising fuel economy and helps combat unfair or deceptive practices. While these benefits are difficult to quantify, the comments suggest that they are significant. At the same time, the comments indicate that any burdens associated with the Guide are minimal. Therefore, it appears that there is a continuing need for the Fuel Economy Guide and that its benefits outweigh any costs it may entail. In addition, we expect that the Guide's benefits will continue into the future. Whether due to high gasoline prices or consumer interest in minimizing energy use for environmental reasons, we expect advertisers will continue to use fuel economy as a way to distinguish their vehicles.

In addition to retaining the Guide, we are also proposing several amendments in response to EPA rule changes and other developments related to fuel economy advertising. The emergence of new automobile technology, such as electric hybrid vehicles, underscores the importance of ensuring that the Guide is applicable to a changing market. The proposed amendments, as discussed in detail below, should help ensure the Guide keeps pace with these various changes.

B. Definitions—Section 259.1

Issues, Comments, and Discussion: Several commenters recommended changes to the Guide's definitions and citations in light of recent changes to EPA requirements. These various terms and issues are addressed as follows:

New Automobile: The current Guide defines ''new automobile'' as ''[a]ny passenger automobile or light truck for which a fuel economy label is required under the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) or rules promulgated thereunder, the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.'' The Alliance, NADA, AIAM, and Broward County all noted that EPA will require a fuel economy label for medium duty passenger vehicles manufactured during the 2011 model year or thereafter. Accordingly, they suggested that the Commission amend the Guide's definition of ''new automobile'' to reflect this upcoming change.

In response to these comments, the Commission proposes to amend the definition of ''new automobile'' to include the term ''medium duty passenger vehicle.'' The amended definition, however, would only apply to vehicles ''for which a fuel economy label is required.'' Accordingly, the Guide would not cover medium duty passenger vehicles until EPA regulations require labeling for such vehicles in 2011.

Statutory and Regulatory Citations: Both AIAM and the Alliance recommended that the Commission update the Guide's citation to the Energy Policy and Conservation Act to 49 U.S.C. 32901. The Alliance also suggested changes to the Guide's citations to EPA regulations to reflect the new amendments. To remain current in the future, NADA recommended that the Commission replace specific cites in the Fuel Economy Guide with more general references to EPA regulations such as 40 CFR Part 600.

Based on these comments, the Commission proposes to update the citation to EPCA (*i.e.*, 49 U.S.C. 32901). In addition, we propose to replace specific regulatory citations with a general reference to EPA regulations at 40 CFR Part 600. This will reduce the need to amend the Guide in the future while still providing a useful reference to EPA regulations.

Fuel Economy: The current Guide uses terms such as ''mpg'' (miles-per-gallon), ''consumption,'' and ''mileage'' as fuel efficiency descriptors for vehicles. The Alliance, NADA, and AIAM suggested the Commission use the term ''fuel economy'' when referring to a vehicle's fuel efficiency, instead of these other terms because ''fuel economy'' is the ''standard industry term . . . and is readily understood by the public.'' We agree that the Guide should use the standard industry terms. Therefore, we propose to amend the Guide to use the term ''fuel economy'' when describing a vehicle's fuel efficiency. Accordingly, the proposed amendments use that term in lieu of other descriptors.

Estimated Highway, City, and Combined Fuel Economy: The current Guide provides information on estimated highway and city fuel economy but does not provide guidance on combined fuel economy. Both NADA and Broward County suggested that the FTC amend the Fuel Economy Guide to address claims for combined fuel economy because such information is now required on the EPA label. In particular, NADA recommended that the FTC adopt EPA's definition of that term.[5] We agree with the comments that the Guide should include references to ''combined fuel economy.'' Because manufacturers must disclose such information on EPA's fuel economy label, the Guide should also include the

[5] EPA regulations (40 CFR 600.002-08) define ''combined fuel economy'' as ''(1) the fuel economy value determined for a vehicle (or vehicles) by harmonically averaging the city and highway fuel economy values, weighted 0.55 and 0.45 respectively, (2) for electric vehicles, the term means the equivalent petroleum-based fuel economy value as determined by the calculation procedure promulgated by the Secretary of Energy.''

term in addressing fuel economy advertising claims. This will ensure that the scope of the Guide is consistent with the scope of fuel economy representations required on the EPA label.

Range Claims: In addressing fuel economy range claims, the Guide uses the terms ''expected range of fuel economy'' and ''range of estimated fuel economy values for the class of new automobiles.'' This provision is meant to apply to any claims related to a fuel economy range and not just claims containing these specific terms. To clarify this intent, we propose to add the phrase ''or similar language'' following the appearance of the terms ''expected range of fuel economy'' and ''range of estimated fuel economy values for the class of new automobiles.''[6]

Other Minor Changes: We also propose to make the following four, minor changes to the Guide:

MPG. We propose amending the Guide's definitions for city and highway fuel economy estimates so that they are consistent with the terms and definitions used by EPA. For example, we propose to change the term ''estimated city mpg'' to ''estimated city fuel economy,'' the term used by EPA in its regulations.[7]

In-Use. We propose eliminating the words ''in-use'' from the term for fuel economy range because ''in-use'' is not generally used by EPA and also may imply that data is generated from actual driving conditions and not the laboratory tests required by EPA regulations.[8]

Unique Nameplate. We propose eliminating an obsolete reference to the term ''unique nameplate'' in footnote 2 of the Guide and replacing it with the more appropriate EPA term ''model type.''[9]

New Automobile. Embedded within the definition of ''new automobile'' in the current Guide are other definitions for the terms ''dealer,'' ''manufacturer,'' and ''ultimate purchaser.'' We propose to amend this provision by creating separate definitions for these latter three terms.

C. Non-EPA Estimates—Section 259.2(c)

Issue and Comments: Section 259.2(c) of the Guide addresses fuel economy claims derived from non-EPA tests. The Guide indicates that advertisers can make fuel economy claims based on non-EPA information as long as they: 1) disclose the corresponding EPA estimates with more prominence than other estimates, 2) identify the source of the non-EPA information, and 3) disclose how their non-EPA test differs from the EPA test in terms of driving conditions and other relevant variables.

NADA suggested that the Commission delete Section 259.2(c) because the ''benefit of being able to advertise non-EPA fuel economy estimates is outweighed by the need for uniformity, clarity, and fairness.'' In its view, the FTC should retain this section only if there is evidence that sellers regularly advertise ''non-EPA fuel economy estimates, and are expected to conduct similar advertising in the future.'' Broward County did not suggest that FTC eliminate this section but recommended changes in light of EPA's recent amendments. In particular, it recommended the addition of more examples in Section 259.2(c)(3) of the test conditions and variables that may differ from those covered by the EPA test, such as high speed/rapid acceleration driving, use of air conditioning, cold temperature operation, road grade, wind, tire pressure, load, and the effects of different fuel properties.

Discussion: The Commission proposes retaining the Guide's current provision related to non-EPA fuel economy claims. We have identified no basis to prohibit fuel economy advertising claims based on non-EPA tests. We recognize that many interested parties favor disclosure of EPA data because it creates a level playing field for industry members and provides familiar, standardized information for consumers. In addition, claims based on the non-EPA data have the potential to mislead consumers if the basis for such claims are not adequately disclosed. We have no evidence, however, to conclude that such claims are deceptive in all contexts. Accordingly, the proposed amended Guide retains the section related to non-EPA tests.

We are not proposing to expand the list of examples related to test conditions and variables that advertisers may need to disclose when making fuel economy claims based on non-EPA testing, as suggested by Broward County. The current Guide is clear that the existing five examples are not exhaustive. Absent clear evidence of problems with particular test discrepancies (*e.g.*, tire pressure, road grade), there appears to be little benefit in adding additional examples to the list.[10]

D. Alternative Fueled Vehicles

Issue and Comments: When addressing fuel economy estimates, the current Guide refers to ''*gasoline* consumption or mileage of new automobiles'' (emphasis added). It does not mention other fuel types such as diesel, electricity, and ethanol. The comments questioned whether the Guide is unnecessarily limited to advertisements involving gasoline. The Alliance argued that such a limitation is inappropriate because many vehicles also run on alternative fuels. NADA explained that manufacturers are producing new vehicle types such as hybrids designed to run on electricity, liquid fuel, or a combination of the two; dedicated alternative fuel vehicles; and dual or flex-fuel vehicles. NADA recommended that the Guide require disclosure of: 1) all fuels used by new vehicles; 2) the fuels actually used to

[6] Broward County recommended that the definition of ''estimated in-use fuel economy range'' at Section 259.1(e) include the EPA-required phrase ''Expected range for most drivers [ ] to [ ] MPG.'' *See* 40 CFR 600.307-08(b)(5). We expect that the insertion of the phrase ''or similar language'' will address that concern.

[7] The proposed definitions for these two terms read: ''*Estimated city fuel economy*. The city fuel economy determined in accordance with the city test procedure employed and published by the U.S. Environmental Protection Agency as described in 40 CFR Part 600 and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, published, or accepted by the U.S. Environmental Protection Agency''; and ''*Estimated highway fuel economy*. The highway fuel economy determined in accordance with the highway test procedure employed and published by the U.S. Environmental Protection Agency as described in 40 CFR Part 600 and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, published, or accepted by the U.S. Environmental Protection Agency.''

[8] The proposed definition reads: ''*Range of fuel economy*. The range of city, highway, or combined fuel economy of the particular new automobile on which the label is affixed, as determined in accordance with procedures employed by the U.S. Environmental Protection Agency as described in 40 CFR Part 600 and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, or accepted by the U.S. Environment Protection Agency.''

[9] The relevant portion of the proposed footnote language reads: ''Fuel economy estimates assigned to model types (*see* 40 CFR 600.208-08(a)(2)), should not be used for other vehicles in a car line that have different fuel economy ratings. For example, if a manufacturer has a model named the 'XZA' that has fuel economy estimates assigned to it and a derivative model named the 'Econo-XZA' that has separate, higher fuel economy estimates assigned to it, these higher numbers assigned to the 'Econo-XZA' cannot be used in advertisements for the 'XZA.'''

[10] Footnotes 7 and 8 in the current Guide provide guidance regarding the relative size and prominence of fuel economy claims based on non-EPA and EPA estimates in television, radio, and print advertisements. We propose to add language clarifying that these footnotes provide examples and do not dictate the only approach in every context. We recognize that there may be other ways to ensure that the EPA estimates receive ''more prominence than any other estimate'' beyond those detailed in these footnotes. The proposed language also clarifies that the guidance applies to any advertising medium, not only to television, radio, and print.

generate advertised EPA estimates; and 3) any appropriate information from the Commission's labeling requirements for alternative fuels and alternative fueled vehicles (16 CFR Part 309). For example, NADA suggested that advertisements for dual or flex-fuel vehicles indicate the estimated range for each type of fuel. NADA believes that such information would ''enable consumers to better compare vehicles using the same fuel and/or technology and to better compare new technology and alternative fuel vehicles to their gasoline counterparts.''

Discussion: The Commission proposes to amend the Guide in two respects related to alternative fuel vehicles. First, we propose to clarify that the Guide's provisions apply to all fuel types covered by EPA's current fuel economy labeling program. Second, we propose adding guidance related to advertising claims for the cruising range of vehicles run by alternative fuels such as electricity.

First, we agree with commenters that the FTC's guidance should cover claims related to newer vehicle types and a broader range of fuel categories to help advertisers avoid making deceptive claims in the changing automobile market. The amendments, therefore, would remove references to ''gasoline'' throughout the Guide (*e.g.*, in the definitions for city and highway fuel economy) and replace them with references to the term ''fuel.'' The proposed amendments would also add a definition for ''fuel'' to the Guide that specifically refers to fuels covered under EPA's current labeling requirements, namely gasoline, electricity, alcohol, and natural gas.[11]

Second, the Commission proposes to add guidance related to cruising range information for alternative fueled vehicles, as suggested by NADA. The FTC's Alternative Fueled Vehicle Rule (16 CFR Part 309) requires estimated cruising range disclosures on labels for alternative fuel vehicles such as those powered by electricity, natural gas, and hydrogen.[12] For most alternative fueled vehicle types, the Rule also identifies specific procedures manufacturers must use to calculate those cruising ranges (*e.g.*, EPA- and FTC-mandated procedures for most vehicles).[13] Cruising ranges provide consumers with important information about the number of miles vehicles will travel between refueling (*e.g.*, the number of miles an electric vehicle will travel on a single charge).

Industry trends suggest that advertisements related to cruising range will increase over the next several years. Recently, manufacturers have increased their development and marketing of vehicles that use alternative fuels such as ethanol[14] and compressed natural gas. They are also developing a variety of vehicles that use technologies not previously available on a wide basis, such as plug-in electric vehicles (''PHEVs''), pure electric vehicles (''EVs''), and vehicles that use hydrogen fuel cell technology. Given these developments, advertising claims for cruising range are likely to become more prevalent.

Though we expect that most advertisers will use the FTC-required procedures to derive cruising range estimates, some may seek to use alternative estimates in advertising. Such claims, advertised without qualification, could harm consumers by confusing or deceiving those who assume the cruising range estimates appearing in advertisements are the same as those appearing on the FTC-required vehicle label. To avoid such problems, the proposed Guide amendments would indicate that advertisers making such claims should identify the estimate required on the FTC label, disclose the source of the non-FTC derived cruising range information, and describe any material differences between the FTC-mandated and non-FTC procedures.[15] Because the Commission already has established similar guidance for analogous claims related to fuel economy in Section 259.2(c), we have based this new proposed guidance for alternative fuel vehicle claims on those existing provisions.

We invite comments on this proposal. In particular, we seek information on whether cruising range estimates will become increasingly prevalent in the future and whether the proposed guidance is necessary to help prevent deceptive advertising.

E. Model Year

Issue and Comments: The current Fuel Economy Guide does not address a vehicle's model year. NADA suggested that fuel economy advertisements should specify the vehicle's model year because EPA's new fuel economy standards took effect in model year 2008. NADA believes that clear disclosure of model year is important to allow consumers to make appropriate comparisons between models labeled with the old test results and those labeled with the new results.

Response: The Commission is not proposing to change the Guide to address disclosures related to model year. We understand that the EPA test procedure amendments yielded fuel economy numbers for all 2008 vehicles that are substantially different from those for 2007 models. This inconsistency, however, reflected a temporary transition and we expect that any confusion has diminished as 2007 vehicles have been sold. Accordingly, any specific guidance on the use of model year information in advertisements in the Fuel Economy Guide would be obsolete.[16]

F. Consumer Education

Issue and Comments: Broward County urged the Commission to increase its consumer education efforts to ensure that consumers understand the impact of changes in EPA's test procedures.

Discussion: The Commission currently provides consumers with information related to fuel and fuel economy through its website at (*http://www.ftc.gov/energy*). These resources include information on gas mileage, questionable ''gas-savings'' products, alternative fueled vehicles, and octane ratings. We will consider adding additional consumer education materials as appropriate. As for information about the new fuel economy estimates, we note that EPA and DOE already maintain a website *http://www.fueleconomy.gov* that provides comprehensive consumer information on the fuel economy issues, including detailed information on the new fuel economy ratings and labels

[11] *See http://www.fueleconomy.gov/* for a list of currently available alternative fueled vehicles.

[12] The FTC's labeling requirements apply to vehicles capable of operating on methanol (or other alcohols), ethanol at mixtures of 85 percent or more, natural gas, liquefied petroleum gas, hydrogen, coal-derived liquid fuels, fuels derived from biological materials, and electricity. *See* 16 CFR 309.1.

[13] For most vehicles, the FTC Rule requires the use of EPA fuel economy data to derive cruising ranges. For electric vehicles, however, manufacturers must determine cruising ranges using Society of Automotive Engineers (''SAE'') Surface Vehicle Recommended Practice SAE J1634—1993—05—20, ''Electric Vehicle Energy Consumption and Range Test Procedure.'' 16 CFR 309.22(a)(2). For non-electric vehicles that are not subject to EPA's fuel economy labeling regulations (40 CFR Part 600) (*e.g.*, certain ethanol vehicles), the FTC's Alternative Fuel Vehicle Rule requires manufacturers to have competent and reliable evidence that substantiates the minimum and maximum number of miles the vehicle will travel between refueling and recharging. *See* 16 CFR 309.22.

[14] Although EPA's fuel economy labeling requirements currently do not apply to ethanol, EPA is considering the issue. *See* 71 FR at 77904-05.

[15] As part of these proposed changes related to alternative fueled vehicles, the amendments would also add definitions to Section 259.1 for ''alternative fueled vehicle'' and ''estimated cruising range.''

[16] We note that nothing prohibits the inclusion of model year information in an advertisement.

(*http://www.fueleconomy.gov/feg/ratings2008.shtml*).

III. Request for Comment and Regulatory Review Program

The Commission solicits written public comments on any aspect of the proposed amendments to the Fuel Economy Guide announced in this Notice. We specifically request comments on the following questions:

(1) What costs or burdens, or other impacts, would the proposed amendments impose, and on whom? What evidence supports the asserted costs, burdens, or other impacts?

(2) What modifications, if any, should the Commission make to the proposed amendments to increase their benefits to consumers?

(a) What evidence supports your proposed modifications? Please submit any such evidence.

(b) How would these modifications affect the costs and benefits of the proposed amendments for consumers?

(c) How would these modifications affect the costs and benefits of the proposed requirements for businesses, and in particular, small businesses?

(3) What modifications, if any, should the Commission make to the proposed amendments to decrease their burdens on businesses?

(a) What evidence supports your proposed modifications? Please submit any such evidence.

(b) How would these modifications affect the costs and benefits of the proposed requirements for consumers?

(c) How would these modifications affect the costs and benefits of the proposed requirements for businesses, and in particular, small businesses?

(4) Should the Guide include provisions related to cruising range claims for alternative fuel vehicles as proposed? Will cruising range estimates become increasingly prevalent in the future? Is the proposed guidance necessary to help prevent deceptive advertising related to such claims?

List of Subjects in 16 CFR Part 259

Advertising, Fuel economy, Trade practices.

For the reasons set forth in the preamble, the Commission proposes to amend 16 CFR Part 259 as follows:

PART 259—GUIDE CONCERNING FUEL ECONOMY ADVERTISING FOR NEW AUTOMOBILES

1. The authority citation for part 259 continues to read as follows:

Authority: 15 U.S.C. 41—58.

2. Section 259.1 is revised to read as follows:

§ 259.1 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) *Alternative fueled vehicle*. Any vehicle that qualifies as a covered vehicle under 16 CFR Part 309.

(b) *Dealer*. Any person located in the United States or any territory thereof engaged in the sale or distribution of new automobiles to the ultimate purchaser.

(c) *Estimated city fuel economy*. The city fuel economy determined in accordance with the city test procedure employed and published by the U.S. Environmental Protection Agency as described in 40 CFR Part 600 and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, published, or accepted by the U.S. Environmental Protection Agency.

(d) *Estimated combined fuel economy*. The combined fuel economy value determined for a vehicle (or vehicles) in accordance with U.S. Environmental Protection Agency regulations described in 40 CFR Part 600 and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, published, or accepted by the U.S. Environmental Protection Agency.

(e) *Estimated cruising range*. An estimate of the number of miles an alternative fueled vehicle will travel between refueling as defined and determined pursuant to 16 CFR Part 309.

(f) *Estimated highway fuel economy*. The highway fuel economy determined in accordance with the highway test procedure employed and published by the U.S. Environmental Protection Agency as described in 40 CFR Part 600 and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, published, or accepted by the U.S. Environmental Protection Agency.

(g) *Fuel*.

(1) Gasoline and diesel fuel for gasoline- or diesel-powered automobiles; or

(2) Electrical energy for electrically powered automobiles; or

(3) Alcohol for alcohol-powered automobiles; or

(4) Natural gas for natural gas-powered automobiles.

(h) *Fuel economy*. (1) The average number of miles traveled by an automobile or group of automobiles per volume of fuel consumed as calculated in this part; or

(2) The equivalent petroleum-based fuel economy for an electrically powered automobile as determined by the Secretary of Energy.

(i) *Manufacturer*. Any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(j) *New automobile*. Any passenger automobile, medium duty passenger vehicle, or light truck for which a fuel economy label is required under the Energy Policy and Conservation Act (42 U.S.C. 32901 *et seq.*) or rules promulgated thereunder, the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(k) *Range of fuel economy*. The range of city, highway, or combined fuel economy of the particular new automobile on which the label is affixed, as determined in accordance with procedures employed by the U.S. Environmental Protection Agency as described in 40 CFR Part 600, and expressed in miles-per-gallon, to the nearest whole mile-per-gallon, as measured, reported, or accepted by the U.S. Environmental Protection Agency.

(l) *Ultimate purchaser*. The first person, other than a dealer purchasing in his or her capacity as a dealer, who in good faith purchases a new automobile for purposes other than resale, including a person who leases such vehicle for his or her personal use.

(m) *Vehicle configuration*. The unique combination of automobile features, as defined in 40 CFR Part 600.

3. Section 259.2 is revised to read as follows:

§ 259.2 Advertising disclosures.

(a) No manufacturer or dealer shall make any express or implied representation in advertising concerning the fuel economy of any new automobile[1] unless such representation is accompanied by the following clear and conspicuous disclosures:

(1) If the advertisement makes:

(i) Representations about city, highway, and combined fuel economy, or any combination of the three, the advertisement must disclose the applicable estimated fuel economy information for each type of fuel

[1] The Commission will regard as an express or implied fuel economy representation one which a reasonable consumer, upon considering the representation in the context of the entire advertisement, would understand as referring to the fuel economy of the vehicle or vehicles advertised.

economy represented in the advertisement;[2]

(ii) A representation regarding only city, only highway, or only combined fuel economy, the corresponding EPA fuel economy estimate must be disclosed;[3]

(iii) A general fuel economy claim without reference to any estimated fuel economy determined pursuant to EPA requirements, the estimated city fuel economy must be disclosed.[4]

(2) That the U.S. Environmental Protection Agency is the source of the estimated ''city fuel economy,'' ''highway fuel economy,'' and ''combined fuel economy,'' and that the numbers are estimates.[5]

(b) If an advertisement for a new automobile cites:

(1) The ''expected range of fuel economy'' or similar language, the advertisement must state with equal prominence both the upper and lower number of the range, an explanation of the meaning of the numbers (*i.e.*, city fuel economy range or highway fuel economy range or combined fuel economy range or any combination of the three), and that the U.S. Environmental Protection Agency is the source of the figures.

(2) The ''range of estimated fuel economy values for the class of new automobiles'' or similar language as a basis for comparing the fuel economy of two or more automobiles, such comparison must be made to the same type of range (*i.e.*, city, highway, or combined).[6]

(c) Fuel economy estimates derived from a non-EPA test may be disclosed provided that:

(1) The advertisement also discloses the ''estimated city fuel economy,'' the ''estimated highway fuel economy,'' and/or the ''estimated combined fuel economy'' as required by §259.2(a), and the disclosure required by §259.2(a), and gives the ''estimated city fuel economy,'' the ''estimated highway fuel economy,'' and/or the ''estimated combined fuel economy'' figure(s) substantially more prominence than any other estimate;[7] provided, however, for any advertising medium in which any other estimate is used in the audio, equal prominence must be given the ''city fuel economy,'' the ''highway fuel economy,'' and/or the ''combined fuel economy'' figure(s);[8]

(2) The source of the non-EPA test is clearly and conspicuously identified;

(3) The driving conditions and variables simulated by the test which differ from those used to measure the ''estimated city fuel economy,'' the ''estimated highway fuel economy,'' and/or the ''estimated combined fuel economy'' and which result in a change in fuel economy, are clearly and conspicuously disclosed;[9] and

(4) The advertisement clearly and conspicuously discloses any distinctions in ''vehicle configuration'' and other equipment affecting mileage performance (*e.g.*, design or equipment differences which distinguish subconfigurations as defined by EPA) between the automobiles tested in the non-EPA test and the EPA tests.

(d) If an advertisement contains an estimated cruising range for an alternative fueled vehicle that is not determined in accordance with FTC's Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles (16 CFR Part 309), the advertisement must disclose clearly and conspicuously:

(1) The estimated cruising range required on the FTC label (16 CFR Part 309) with substantially more prominence than any other estimate; provided, however, for any advertising medium in which any other estimate is used only in the audio, equal prominence must be given the estimated cruising range that is required on the FTC label;[10]

(2) The source of the cruising range estimate; and

(3) Any material differences between the method used and the method required by the FTC's labeling requirements at 16 CFR 309.22.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E9–9649 Filed 4–27–09: 8:45 am]

BILLING CODE 6750–01–S

[2] For purposes of §259.2(a), the ''city fuel economy,'' the ''highway fuel economy,'' and the ''combined fuel economy'' must be those applicable to the specific model type being advertised. Fuel economy estimates assigned to model types (*see* 40 CFR 600.208-08(a)(2)), should not be used for other vehicles in a car line that have different fuel economy ratings. For example, if a manufacturer has a model named the ''XZA'' that has fuel economy estimates assigned to it and a derivative model named the ''Econo-XZA'' that has separate, higher fuel economy estimates assigned to it, these higher numbers assigned to the ''Econo-XZA'' cannot be used in advertisements for the ''XZA.''

[3] For example, if the representation clearly refers only to highway fuel economy, only the ''estimated highway fuel economy'' need be disclosed.

[4] Nothing in this section should be construed as prohibiting disclosure of both the city and highway estimates.

[5] The Commission will regard the following as the minimum disclosure necessary to comply with §259.2(a)(2), regardless of the media in which the advertisement appears:

''EPA estimate(s).'' For video, if the estimated mpg appears in the visual, the disclosure must appear visually; if the estimated mpg is audio, the disclosure must be audio.

[6] For example, an advertisement could not promote a vehicle's fuel economy by comparing the vehicle's estimated highway fuel economy to the city estimates of other vehicles in its class.

[7] For example, the Commission regards the following as constituting ''substantially more prominence:''

For video: If the estimate derived from the non-EPA test appears in the visual portion, the estimated city, highway, and/or combined mpg should appear in numbers twice as large as those used for any other estimate, and remain on the screen at least as long as any other estimate. Alternatively, if the estimate derived from the non-EPA test appears in the visual portion, the estimated city, highway, and/or combined mpg should (1) appear simultaneously and with at least equal prominence as the other mileage estimate(s) in the visual portion, and (2) be stated in the audio portion. Each visual estimated city, highway, and/or combined mpg should be broadcast against a solid color background that contrasts easily with the color used for the numbers.

For print: The estimated city, highway, and/or combined mpg should appear in clearly legible type at least twice as large as that used for any other estimate or in type of the same size as such other estimate, if it is clearly legible and conspicuously circled. The estimated city, highway, and/or combined mpg should appear against a solid color, contrasting background. They should not appear in a footnote unless all references to fuel economy appear in a footnote.

[8] For example, the Commission regards the following as constituting equal prominence: The estimated city, highway, and/or combined mpg should be stated, either before or after each disclosure of such other estimate at least as audibly as such other estimate.

[9] For dynamometer tests any difference between the EPA and non-EPA tests must be disclosed. For in-use tests, the Commission realizes that it is impossible to duplicate the EPA test conditions, and that in-use tests may be designed to simulate a particular driving situation. It must be clear from the context of the advertisement what driving situation is being simulated (*e.g.*, cold weather driving, highway driving, and heavy load conditions). Furthermore, any driving or vehicle condition must be disclosed if it is significantly different from that which an appreciable number of consumers (whose driving condition is being simulated) would expect to encounter.

[10] *See* footnotes 7 and 8 for guidance on prominence.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

RIN 1545–BI70

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

RIN 1210–AB30

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

45 CFR Parts 144 and 146

[CMS–4140–NC]

RIN 0938–AP65

Request for Information Regarding the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

AGENCIES: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Request for Information.

SUMMARY: This document is a request for comments regarding issues under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). The Departments of Labor, Health and Human Services (HHS), and the Treasury (collectively, the Departments) invite public comments in advance of future rulemaking.

DATES: Comments must be submitted on or before May 28, 2009.

ADDRESSES: Written comments may be submitted to any of the addresses specified below. Any comment that is submitted to any Department will be shared with the other Departments. Please do not submit duplicates.

Department of Labor. Comments to the Department of Labor by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: E-OHPSCA.EBSA@dol.gov.*
- *Mail or Hand Delivery:* Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, Room N–5653, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, *Attention:* MHPAEA Comments.

Comments received by the Department of Labor will be posted without change to *http://www.regulations.gov* and *http://www.dol.gov/ebsa,* and available for public inspection at the Public Disclosure Room, N–1513, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, including any personal information provided.

Department of HHS. Comments to the Department of HHS, identified by CMS–4140–NC by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–4137–NC, P.O. Box 8017, Baltimore, MD 21244–8010.
- *Hand or courier delivery.* Comments may be delivered to either 7500 Security Boulevard, Baltimore, MD 21244–1850 or Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. For delivery to Baltimore, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members. For delivery to Washington, because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain proof of filing by stamping in and retaining an extra copy of the comments being filed.

Inspection of Public Comments. All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all electronic comments received before the close of the comment period on the following public Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, call 1–800–743–3951.

Internal Revenue Service. Comments to the IRS, identified by REG–120692–09 by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* CC:PA:LPD:PR (REG–120692–09), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.
- *Hand or courier delivery:* Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–120692–09), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington DC 20224.

All submissions to the IRS will be open to public inspection and copying in room 1621, 1111 Constitution Avenue, NW., Washington, DC from 9 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mark Connor or Beth Baum, Employee Benefits Security Administration, Department of Labor, at (202) 693–8335; Russ Weinheimer, Internal Revenue Service, Department of the Treasury, at (202) 622–6080; Adam Shaw, Centers for Medicare & Medicaid Services, Department of Health and Human Services, at (877) 267–2323 extension 61091.

Customer Service Information: Individuals interested in obtaining information from the Department of Labor concerning employment-based health coverage laws, including the nondiscrimination protections, may call the EBSA Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the Department of Labor's Web site (*http://www.dol.gov/ebsa*). In addition, individuals may request a copy of CMS's publication entitled ''Protecting Your Health Insurance Coverage'' by calling 1–800–633–4227.

SUPPLEMENTARY INFORMATION:

I. Background

The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) was enacted on October 3, 2008 as sections 511 and 512 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (Division C of Pub. L. 110–343).[1] MHPAEA amends the Employee Retirement Income Security Act of 1974 (ERISA), the Public

[1] A technical correction to the effective date for collectively bargained plans was made by Public Law 110–460.

Health Service Act (PHS Act), and the Internal Revenue Code of 1986 (Code). In 1996, Congress enacted the Mental Health Parity Act of 1996 (MHPA 1996), which required parity in aggregate lifetime and annual dollar limits for mental health benefits and medical and surgical benefits. These group market mental health parity provisions were codified in section 712 of ERISA, section 2705 of the PHS Act, and section 9812 of the Code. The enactment of MHPAEA created new requirements and amended several of the existing group market mental health parity provisions.

MHPAEA modifies the original definition of mental health benefits created by MHPA 1996 and adds a definition of substance use disorder benefits. Mental health benefits are defined as benefits with respect to services for mental health conditions, defined under the terms of the plan and in accordance with applicable Federal and State law. Substance use disorder benefits are defined as benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.

While retaining MHPA 1996's requirements for parity in the application of aggregate lifetime and annual dollar limits, MHPAEA adds new requirements. For group health plans (and health insurance coverage offered in connection with group health plans) that provide both medical and surgical benefits and mental health or substance use disorder benefits, MHPAEA requires plans or coverage to ensure that: (1) The financial requirements (including deductibles, copayments, coinsurance, and out-of-pocket expenses, but excluding aggregate lifetime limits and annual limits (which are subject to MHPA 1996's existing requirements)) applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan; (2) there are no separate cost-sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; (3) the treatment limitations (including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment) applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan; and (4) there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits. A financial limit or treatment limit is considered to be predominant under MHPAEA if it is the most common or frequent of such type of limit or requirement.

MHPAEA requires the criteria for medical necessity determinations made under the plan (or coverage) with respect to mental health or substance use disorder benefits be made available by the plan administrator (or health insurance issuer) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary must, on request or as otherwise required, be made available by the plan administrator (or issuer) to the participant or beneficiary in accordance with regulations.

Under MHPAEA, in the case of a plan or issuer that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or issuer provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or issuer must provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of MHPAEA and MHPA 1996.

MHPAEA amended the two exemptions in subsection (c) of the group market mental health parity provisions. MHPAEA exempts group health plans (or health insurance coverage offered in connection with such a plan) of a small employer from the requirements of the group market mental health parity provisions for any plan year. A small employer is defined as an employer who employed an average of at least two (or one in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

MHPAEA also exempts group health plans (or health insurance coverage offered in connection with such a plan) from the requirements of the group market mental health parity provisions if application of the group market mental health parity provisions results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits by an amount that exceeds two percent for the first plan year in which the law applies and one percent for each subsequent plan year. In this case, the requirements of the group market mental health parity provisions do not apply to the plan or coverage during the following plan year, and such exemption applies for one plan year. Of course, an employer may elect to continue to apply mental health and substance use disorder parity with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

Under this cost exemption, determinations as to increases in actual costs under a plan must be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Exemption determinations must be in a written report prepared by the actuary, which must be maintained by the plan or issuer for six years following the notification of election to implement the exemption. Determinations are to be made after the plan has complied with the requirements of the group market mental health parity provisions for the first six months of the plan year involved.

A plan or issuer that qualifies for and elects to implement the cost exemption must promptly notify the Secretaries of Labor, Health and Human Services, and the Treasury (as appropriate), the appropriate state agencies, and participants and beneficiaries in the plan. The notifications to the Secretaries, which are confidential, must include a description of (1) The number of covered lives under the plan (or coverage) involved at the time of the notification (and, as applicable, at the time of any prior election of the cost exemption by the plan or coverage); (2) a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (for both the plan year upon which a cost exemption is sought and the year prior); and (3) the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan (for both the plan year upon which a cost exemption is sought and the year prior). The Secretaries must make available upon request, but no more frequently than annually, an anonymous itemization of these notifications, including a breakdown of States by the size and type of employers submitting the notification and a summary of the data received. The Secretaries and the appropriate state agencies are authorized by MHPAEA to audit the

books and records of a group health plan, or health insurance issuer offering coverage in connection with a plan, relating to an exemption.

As enacted, MHPA 1996 included a sunset provision. This provision was amended several times to extend the sunset date, most recently to December 31, 2008. MHPAEA eliminates the sunset provision, effective January 1, 2009. Thus, the requirements of MHPA 1996 will remain in place, except as modified by MHPAEA. Generally, the provisions of MHPAEA apply for plan years beginning after October 3, 2009 (for calendar year plans, January 1, 2010).

There is a special effective date rule for group health plans maintained pursuant to one or more collective bargaining agreements (collectively bargained plans) ratified before October 3, 2008 (the date of the enactment of MHPAEA). Under the special rule, MHPAEA's requirements will not apply to plan years beginning before the later of either the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension agreed to after October 3, 2008), or January 1, 2010.[2] Any plan amendment made pursuant to a collective bargaining agreement solely to conform to requirements added by MHPAEA is not treated as a termination of the agreement.

II. Solicitation of Comments

A. Comments Regarding Economic Analysis, Paperwork Reduction Act, and Regulatory Flexibility Act

Executive Order 12866 requires an assessment of the anticipated costs and benefits of a significant rulemaking action and the alternatives considered, using the guidance provided by the Office of Management and Budget. These costs and benefits are not limited to the Federal government, but pertain to the affected public as a whole. Under Executive Order 12866, a determination must be made whether implementation of MHPAEA will be economically significant. A rule that has an annual effect on the economy of $100 million or more is considered economically significant.

In addition, the Regulatory Flexibility Act may require the preparation of an analysis of the economic impact on small entities of proposed rules and regulatory alternatives. An analysis under the Regulatory Flexibility Act must generally include, among other things, an estimate of the number of small entities subject to the regulations (for this purpose, plans, employers, and issuers and, in some contexts small governmental entities), the expense of the reporting, recordkeeping, and other compliance requirements (including the expense of using professional expertise), and a description of any significant regulatory alternatives considered that would accomplish the stated objectives of the statute and minimize the impact on small entities. The Departments consider a small entity to be an employee benefit plan with fewer than 100 participants.

The Paperwork Reduction Act requires an estimate of how many ''respondents'' will be required to comply with any ''collection of information'' requirements contained in regulations and how much time and cost will be incurred as a result. A collection of information includes recordkeeping, reporting to governmental agencies, and third-party disclosures. The Departments have current approval for information collection requirements related to the increased cost exemption under MHPA 1996.

The Departments are requesting comments that may contribute to the analyses that will be performed under these requirements, both generally and with respect to the following specific areas:

(i) What policies, procedures, or practices of group health plans and health insurance issuers may be impacted by MHPAEA? What direct or indirect costs would result? What direct or indirect benefits would result? Which stakeholders will be impacted by such benefits and costs?

(ii) Are there unique costs and benefits for small entities subject to MHPAEA (that is, employers with greater than 50 employees that maintain plans with fewer than 100 participants)? What special consideration, if any, is needed for these employers or plans? What costs and benefits have issuers and small employers experienced in implementing parity under State insurance laws or otherwise?

(iii) Are there additional paperwork burdens related to MHPAEA compared to those related to MHPA 1996, and, if so, what estimated hours and costs are associated with those additional burdens?

B. Comments Regarding Regulatory Guidance

The Departments are seeking comments to aid in the development of regulations regarding MHPAEA. To assist interested parties in responding, this request for information describes specific areas in which the Departments are particularly interested; however, the Departments also request comments and suggestions concerning any area or issue pertinent to the development of regulations.

Specific Areas in Which the Departments Are Interested Include the Following:

1. The statute provides that the term ''financial requirement'' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit. The statute further provides that the term ''treatment limitation'' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment. Do plans currently impose other types of financial requirements or treatment limitations on benefits? How do plans currently apply financial requirements or treatment limitations to (1) medical and surgical benefits and (2) mental health and substance use disorder benefits? Are these requirements or limitations applied differently to both classes of benefits? Do plans currently vary coverage levels within each class of benefits?

2. What terms or provisions require additional clarification to facilitate compliance? What specific clarifications would be helpful?

3. What information, if any, regarding the criteria for medical necessity determinations made under the plan (or coverage) with respect to mental health or substance use disorder benefits is currently made available by the plan? To whom is this information currently made available and how is it made available? Are there industry standards or best practices with respect to this information and communication of this information?

4. What information, if any, regarding the reasons for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits is currently made available by the plan? To whom is this information currently made available and how is it made available? Are there industry standards or best practices with respect to this information and communication of this information?

5. To gather more information on the scope of out-of-network coverage, the Departments are interested in finding out whether plans currently provide out-of-network coverage for mental health and substance use disorder benefits. If so, how is such coverage the same as or different than out-of-network

[2] This date was changed from January 1, 2009 to January 1, 2010 by Public Law 110–460, enacted on December 23, 2008.

coverage provided for medical and surgical benefits?

6. Which aspects of the increased cost exemption, if any, require additional guidance? Would model notices be helpful to facilitate disclosure to Federal agencies, State agencies, and participants and beneficiaries regarding a plan's or issuer's election to implement the cost exemption?

Signed at Washington, DC, this 24th day of December 2008.

Nancy J. Marks,

Division Counsel/Associate Chief Counsel, Tax Exempt and Government Entities, Internal Revenue Service, Department of the Treasury.

Signed at Washington, DC, this 12th day of January 2009.

W. Thomas Reeder,

Benefits Tax Counsel, Department of the Treasury.

Signed at Washington, DC, this 21st day of April 2009.

Alan D. Lebowitz,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration, U.S. Department of Labor.

Dated: March 9, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E9–9629 Filed 4–27–09; 8:45 am]

BILLING CODE 4830–01–P; 4510–29–P; 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 127

[Docket No. USCG–2007–27022]

RIN 1625–AB13

Revision of LNG and LHG Waterfront Facility General Requirements

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the requirements for waterfront facilities handling liquefied natural gas (LNG) and liquefied hazardous gas (LHG). The proposed revisions would bring the regulations up to date with existing industry practices and current Coast Guard policy implemented due to increased emphasis on security since the events of September 11, 2001. These revisions would harmonize the Coast Guard's regulations for LNG with those established by the Federal Energy Regulatory Commission (FERC), the agency responsible for permitting onshore and near-shore LNG terminals. This proposed rulemaking would not affect LNG deepwater ports.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before June 29, 2009 or reach the Docket Management Facility by that date. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before June 29, 2009.

ADDRESSES: You may submit comments identified by docket number USCG–2007–27022 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.

Collection of Information Comments: If you have comments on the collection of information discussed in section V.D. of this NPRM, you must also send comments to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget. To ensure that your comments to OIRA are received on time, the preferred methods are by e-mail to *oira_submission@omb.eop.gov* (include the docket number and ''Attention: Desk Officer for Coast Guard, DHS'' in the subject line of the e-mail) or fax at 202–395–6566. An alternate, though slower, method is by U.S. mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call CDR Patrick Clark, CG–5222, U.S. Coast Guard, telephone 202–372–1410. If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. 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.

A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2007–27022), 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–2007–27022'' 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 this proposed rule based on your comments.

B. 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–2007–27022) in the Docket ID box, press Enter, and then click on the item in the Docket ID column. If you do not have access to the Internet, you may view the docket online by visiting 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

C. 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).

D. Public Meetings

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 a public meeting would aid this rulemaking, we will hold one at a time and place announced by a notice in the **Federal Register**.

II. Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FERC Federal Energy Regulatory Commission
FR *Federal Register*
LHG Liquefied hazardous gas
LNG Liquefied natural gas
LOI Letter of Intent
LOR Letter of Recommendation
NPRM Notice of proposed rulemaking
NVIC Navigation and Vessel Inspection Circular
OMB Office of Management and Budget
§ Section symbol
U.S.C. United States Code
WSA Waterway Suitability Assessment

III. Background and Purpose

Over the last few years, there has been a substantial increase in the worldwide production and transportation of liquefied natural gas (LNG). Currently, the United States consumes about 25 percent of the world's annual natural gas production. Over the next 20 years, U.S. natural gas consumption is projected to increase by 40 percent, and our domestic gas production is not expected to meet this need. Therefore, this likely shortfall may be resolved by increasing marine LNG imports. Currently, there are eight waterfront LNG facilities in the United States: seven are import facilities, and one is an export facility. To meet rising demand, the energy industry has submitted dozens of proposals to build LNG import terminals along our coasts, and an unspecified number of proposals are in the early planning stages.

We have not seen, and do not expect, a similar increase in the production and transportation of other forms of liquefied hazardous gas (LHG). Although LNG and LHG facilities and the cargoes they handle are different in nature, we believe the vessels that transport these cargoes pose similar risks to the waterway environment and the area surrounding the facility when transfer operations are underway.

Safety and security of our ports and waterways have become paramount concerns since the events of September 11, 2001. Currently, the owner or operator intending to construct, modify, or reactivate an LNG or LHG facility must submit a Letter of Intent (LOI) to the Coast Guard. Information obtained in the LOI enables the Coast Guard to provide specific recommendations, in a Letter of Recommendation (LOR), to the agencies having jurisdiction. The LOR serves as the Coast Guard's official recommendation to the jurisdictional agency as to the suitability of the waterway for the proposed facility.

In the case of LNG facilities regulated by the Federal Energy Regulatory Commission (FERC), the LOI has been augmented by a Waterway Suitability Assessment (WSA). The WSA is a risk-based assessment process designed to document and address all safety and security concerns related to the movement of LNG in U.S. ports and waterways. As discussed below, FERC regulations have required since 2005 that prospective applicants for FERC authorization to site, construct and operate LNG terminals submit WSAs to the Coast Guard; guidance on submission of WSAs is provided in Navigation and Vessel Inspection Circular (NVIC) 05–08, available online at *http://uscg.mil/hq/cg5/nvic/2000s.asp*.

The proposed rule would establish the WSA requirement in Coast Guard regulations, better aligning the regulations of the Coast Guard and FERC with regard to LNG. Although FERC generally does not regulate LHG facilities, this proposed rule would establish the WSA requirement for both LNG and LHG facilities because of the similarities between these cargoes.

A. Discussion of FERC Regulations in Regard to LNG

FERC regulates LNG import facilities located onshore or in state waters, but generally does not regulate facilities receiving marine deliveries of LHG. This section provides background information specific to FERC-regulated LNG facilities.

On October 18, 2005, FERC published a final rule in the **Federal Register** (70 FR 60426) implementing the Energy Policy Act of 2005 and creating procedures for the review of LNG terminals and other natural gas facilities. The FERC final rule amended 18 CFR parts 153 and 157 by requiring LNG and other natural gas facility owners and operators (referred collectively herein as ''LNG owners and operators'') to submit WSAs to the U.S. Coast Guard as part of the FERC pre-filing process. Although the WSA currently is required by FERC regulations, not Coast Guard regulations, the Coast Guard considers the WSA in developing its LOR.

Prospective applicants seeking FERC's authorization to site, construct, and operate new LNG facilities, and some prospective applicants seeking authority to make modifications to an existing or approved LNG terminal, are required by FERC to make an initial filing to FERC and, concurrently, submit a Letter of Intent (LOI) and a Preliminary WSA to the Coast Guard. After the submission of the initial filing, the Director of FERC's Office of Energy Projects (Director) determines whether the applicant may begin the pre-filing process. If the prospective applicant meets the requirements to begin the pre-filing process, the Director will issue a notice that begins the pre-filing process.

During the pre-filing process, the prospective applicant must satisfy several requirements, including the requirement in 18 CFR 157.21(f) that a prospective applicant ''[c]ertify that a Follow-on WSA will be submitted to the U.S. Coast Guard no later than the filing of an application with the Commission

(for LNG terminal facilities and modifications thereto, if appropriate). The applicant must certify that the U.S. Coast Guard has indicated that a Follow-on WSA is not required, if appropriate.''

The prospective applicant must wait at least 180 days after the commencement of the FERC pre-filing process in order to start the FERC filing process. Thus, the FERC regulations result in the LOI being submitted at least 180 days before the applicant files its application for authorization to construct the facility with FERC, even though the existing Coast Guard regulations for new and modified facilities require the LOI be submitted at least 60 days before construction begins.

IV. Discussion of Proposed Rule

This proposed rule would align Coast Guard regulations for LNG in 33 CFR part 127 with the existing FERC requirements in 18 CFR parts 153 and 157. Due to the similarities between LNG and LHG, and between LNG and LHG regulations throughout part 127, this rulemaking would maintain the consistent application by the Coast Guard of these regulations for both LNG and LHG.

The Coast Guard proposes amending the LOI submission requirements in § 127.007 to provide more time for review and, in the case of LNG, to ensure consistency with the requirements established by FERC. Current Coast Guard regulations require an owner or operator seeking to construct or modify an LNG or LHG facility to submit the LOI to the Coast Guard at least 60 days before construction begins. For reactivation of inactive facilities under current regulations, the LOI is required at least 60 days before transferring LNG or LHG. The proposed rule would require the LOI be submitted earlier and, to accommodate FERC regulations, would result in slightly different LOI submission requirements for LNG facilities as compared to LHG facilities.

For LNG facility owners or operators seeking to construct or modify a facility, the LOI would be submitted no later than the date the owner or operator files a pre-filing request with FERC under 18 CFR parts 153 and 157, but in all cases at least one year prior to the start of construction. For inactive existing LNG facilities seeking reactivation, the LOI would be submitted no later than the date the owner or operator files a pre-filing request with FERC under 18 CFR parts 153 and 157, but in all cases at least one year prior to the start of transfer operations.

For LHG facilities seeking construction or modification, the LOI would be submitted no later than the date the owner or operator files with the federal or state agency having jurisdiction, but in all cases at least one year prior to the start of construction. For inactive LHG facilities seeking reactivation, the LOI would be submitted no later than the date the owner or operator files with the federal or state agency having jurisdiction, but in all cases at least one year prior to the start of transfer operations.

With regard to the content of the LOI submitted by LNG and LHG facilities, the Coast Guard proposes to add a requirement that the owner or operator provide the name, address, and telephone number of the federal, state, or local agency having jurisdiction. To accommodate the possibility that an owner or operator may need to submit charts showing waterways longer than 25 kilometers, we propose adding the words ''at least'' in § 127.007(c)(7).

In order to harmonize this regulation with FERC's regulations requiring the submission of a WSA, and to address emergent security concerns that resulted from the attacks of September 11, 2001, we propose to establish in § 127.007(e) the requirement that a WSA be submitted by an owner or operator seeking to construct or modify an LNG or LHG facility. A WSA would not be required to reactivate an inactive existing LNG or LHG facility, unless the owner or operator sought modification or expansion of marine transfer operations.

The proposed WSA would consist of a Preliminary WSA and a Follow-on WSA, described in proposed §§ 127.007(f) and (g). The Preliminary WSA would be submitted at the same time as the LOI. The Follow-on WSA would be submitted at least 180 days before transfer of LNG or LHG, except in the case of an LNG facility that is required to submit an application to FERC. An LNG facility required to submit an application to FERC would submit the Follow-on WSA to the Coast Guard no later than the date the owner or operator files its application with FERC.

The proposed regulations in 33 CFR 127.007(f) and (g) delineate the content of the WSA. According to the proposed text, the Preliminary WSA, which is an outline of what the fully detailed Follow-on WSA will contain, must provide an introductory explanation of the following: (1) Port characterization; (2) characterization of the facility and tanker route; (3) risk assessment for maritime safety and security; (4) risk management strategies; and (5) resource needs for maritime safety, security, and response. The Follow-on WSA would contain a detailed analysis of the topics in the Preliminary WSA, and a detailed analysis of any other safety or security impacts to the port and waterway identified by the Captain of the Port (COTP) and not otherwise covered in the list of subjects discussed in the Preliminary WSA.

The LOR described in 33 CFR 127.009 represents the Coast Guard's recommendation as to the suitability of the waterway for LNG or LHG marine traffic. Current regulations provide for an LOR issued by the Coast Guard to the facility owner or operator and the state or local agencies having jurisdiction. In order to better reflect the role of federal agencies, including FERC's role in the permitting of LNG facilities, the Coast Guard proposes to issue the LOR to the federal, state, or local government agencies having jurisdiction. The Coast Guard also proposes to add other identified safety and security issues to the list of items considered by the COTP prior to issuing the LOR.

Several years may pass between the issuance of the LOR and the operation of the facility. Therefore, the Coast Guard proposes to add a reporting requirement designed to keep the WSA up-to-date during the period between the issuance of the LOR and the start of facility operations. The new § 127.007(h) would require owners or operators of LNG and LHG facilities that have completed the Preliminary and the Follow-On portions of a WSA, but not begun operation, to annually review their WSAs and provide an annual written report to the COTP. The owners or operators would be required to update the WSAs in the event of any change in conditions affecting the suitability of the waterway for LNG or LHG traffic. For example, changes to the port environment, LNG or LHG facility, or the LNG or LHG tanker route may constitute valid reasons when the WSA would need to be revised and updated. A report also would be required at least 30 days, but not more than 60 days, prior to the start of operations.

These proposed changes to § 127.007 would require renumbering of certain paragraphs mentioned in § 127.001, ''Applicability,'' which references paragraphs in § 127.007. The Coast Guard proposes to update the paragraph references accordingly.

Finally, to reflect security considerations by the Coast Guard after the events of September 11, 2001, the Coast Guard proposes to add 46 U.S.C. Ch. 701 ''Port Security'' to its authority citation for these regulations.

V. 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.

A. 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. Accordingly, OMB has not reviewed it under that Order.

In this proposed rule, the Coast Guard seeks to revise the requirements for waterfront facilities handling LNG or LHG. For LNG waterfront facilities, this rulemaking proposes to align the Coast Guard's submission deadlines with those of FERC. For LHG waterfront facilities, this rulemaking would align the Coast Guard's submission deadlines to match the application timeline for the federal, state, or local agency having jurisdiction, but in no case less than one year prior to the start of construction. The Coast Guard believes it is necessary to require a WSA for both types of facilities and to provide consistency with FERC's regulations regarding LNG facilities. This proposed rule would also provide consistency for other Coast Guard regulations that address both LNG and LHG facilities.

As noted above, the LOI is not a new requirement for LNG facilities. The WSA also is not a new requirement for LNG facilities: Starting in 2005, FERC regulations required that LNG facility owners and or operators submit the LOI earlier than required by the Coast Guard regulations, and submit a Preliminary and Follow-on WSA to the Coast Guard. The proposed procedure for the owner or operator to submit a WSA to the Coast Guard would not be new for the LNG industry because LNG facility owners and operators have been submitting WSAs to the Coast Guard since 2005; guidance on submission is provided in NVIC 05–08. As of July 22, 2008, we have received 18 WSAs for LNG waterfront facilities.

We expect new waterfront LNG facilities that become operational in the future will not incur additional costs over and above existing waterfront LNG facilities as a result of this proposed rule, because the LNG industry has been conducting WSAs as a common industry practice. We also expect existing LNG facilities will continue to operate according to industry standards and similarly would not incur additional regulatory costs. The proposed rule would eliminate industry confusion as the Coast Guard aligns its regulations with those of FERC.

As noted above, the submission of an LOI is not a new requirement for LHG facilities. The submission of a WSA for LHG facilities would be a new requirement and would apply only to new LHG facilities or existing facilities that seek to expand or modify operations. Only one LHG facility has submitted a proposal to the Coast Guard to expand operations; this proposal currently is under review with regulatory authorities pursuant to existing regulations. In the future, the Coast Guard expects only one to two new or existing LHG facilities per year may become operational or may seek to expand or modify maritime operations.

Additionally, the Coast Guard contacted several industry representatives and obtained cost estimates for completing a WSA. The estimates varied greatly and are a function of the waterway environment and the geographic location and uniqueness of each facility. Cost estimates were between $80,000 and $1.2 million per WSA. At the margin, we believe that these costs would have minimal effect on an LHG facility owner or operator's decision to expand operations.

Finally, this proposed rule would benefit the economy by ensuring the proposed waterway is suitable for the safe and secure navigation of LNG or LHG vessels and the transfer of these cargoes.

The collection of information burden associated with this proposed rule is discussed in section D, below.

B. Small Entities

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

Large corporations own the eight existing waterfront LNG facilities and we expect this type of ownership to continue in the future. This type of ownership also exists for the approximately 101 LHG facilities operating in the U.S. Therefore, 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. 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 to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

C. 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 consult with the Coast Guard personnel listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. 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.

D. Collection of Information

This proposed rule would call for the collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

We do not expect new collection of information burdens would be placed on LNG facilities because these facilities are currently subject to FERC's regulations. The current reporting requirements for LNG facilities are in line with industry practices and would require only an adjustment to an existing OMB-approved collection of information (OMB control number 1625–0049) as LNG facilities update their paperwork requirements. Similarly, the same collection of information for LHG facilities regarding WSAs and LOIs would require a revision if these facilities intend to

expand operations in the future or if there is new construction. However, the existing collection of information requires a revision to include WSAs for LHG facilities (WSAs that have been submitted to the Coast Guard are from LNG facilities only). We request comments from the public regarding the time it takes to complete a WSA, the burden hours associated to perform a WSA, and the labor costs.

This proposed rule modifies one existing OMB-approved collection, 1625–0049 (formerly 2115–0552). The request for approval of this Collection of Information is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble.

The summary of the revised collection follows:

Title: Waterfront Facilities Handling Liquefied Natural Gas (LNG) and Liquefied Hazardous Gas (LHG).

Summary of the Collection of Information: The Coast Guard requires the submittal of a letter of intent (LOI) for LNG and LHG facilities that plan new construction or intend to expand existing operations and to alert the Coast Guard of transfers of LNG or LHG, in bulk. In addition, a waterway suitability assessment would be required for a facility that intends to expand maritime operations or a new construction, which requires an LOI.

Need for Information: The LOI is needed to alert the cognizant Coast Guard Captain of the Port (COTP) that a waterfront facility plans to conduct transfers of LNG or LHG, in bulk. It also provides a point of contact at the facility. Once the Coast Guard receives the letter, the COTP can direct the necessary enforcement activity to ensure that the operator complies with the other requirements in 33 CFR part 127. The LOI also provides the information used by the COTP to determine the suitability of the waterway, on which the waterfront facility is located, for LNG or LHG vessel traffic. Changes to the information in the LOI are required to be submitted whenever they occur.

Proposed Use of Information: This information is required to ensure COTPs learn of the opening or reopening of a waterfront facility handling LNG or LHG far enough in advance to allocate resources, to enforce construction and design standards, and to plan enforcement strategy. Also, COTPs would have the information necessary to properly evaluate the suitability of a waterway for vessels carrying LNG or LHG.

Description of the Respondents: Respondents are the facilities themselves.

Number of Respondents: The existing OMB-approved number of respondents is 109. There are plans now for future facilities to become operational.

Frequency of Response: The existing OMB-approved number of responses is 3,059 annually. This proposed rule would increase that number by 230. The total number of responses would be 3,289.

Burden of Response: The existing OMB-approved burden of response is the same for the proposed rule. We have maintained our estimates of the frequency of response for each item in the collection based on industry information, and we have added information regarding a WSA.

Estimate of Total Annual Burden: The existing OMB-approved total annual burden is 2,838 hours. This proposed rule would increase that number by 5,077 hours, which includes 4,928 hours for the addition of a WSA to the collection of information. All of the original items in the collection, notwithstanding the WSA, only account for a 149-hour increase. The estimated total annual burden would be 7,915 hours.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the requirements for this collection of information become effective, we will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 34(a), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This proposed regulation concerns the submission of an LOI and a WSA. This involves the gathering of data and information that would involve no physical change to the environment. A preliminary ''Environmental Analysis Check List'' supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. We seek any comments or information that may lead to discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 127

Fire prevention, Harbors, Hazardous substances, Natural gas, Reporting and recordkeeping requirements, and Security measures.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 127 as follows:

PART 127—WATERFRONT FACILITIES HANDLING LIQUEFIED NATURAL GAS AND LIQUEFIED HAZARDOUS GAS

1. Revise the authority citation for part 127 to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1.

§ 127.001 [Amended]

2. In § 127.001(c), remove the words ''Sections 127.007(c), (d), and (e)'' and add in their place the words ''Sections 127.007(b), (c), and (d)''.

3. In § 127.001(e), remove the words ''Sections 127.007(c), (d), and (e)'' and add in their place the words ''Sections 127.007(b), (c), and (d)''.

4. Revise § 127.007 to read as follows:

§ 127.007 Letter of intent and waterway suitability assessment.

(a) An owner or operator intending to build a new waterfront facility handling LNG or LHG, or an owner or operator planning new construction to expand or modify marine terminal operations in an existing waterfront facility handling LNG or LHG, must submit a letter of intent (LOI) to the Captain of the Port (COTP) of the zone in which the facility is or will be located. The LOI must meet the requirements in paragraph (c) of this section.

(1) The owner or operator of an LNG facility must submit the LOI to the COTP no later than the date that the owner or operator files a pre-filing request with the Federal Energy Regulatory Commission (FERC) under 18 CFR parts 153 and 157, but, in all cases, at least one year prior to the start of construction.

(2) The owner or operator of an LHG facility must submit the LOI to the COTP no later than the date that the owner or operator files with the federal or state agency having jurisdiction, but, in all cases, at least one year prior to the start of construction.

(b) An owner or operator intending to reactivate an inactive existing waterfront facility must submit an LOI that meets paragraph (c) of this section to the COTP of the zone in which the facility is located.

(1) The owner or operator of an LNG facility must submit the LOI to the COTP no later than the date the owner or operator files a pre-filing request with FERC under 18 CFR parts 153 and 157, but, in all cases, at least one year prior to the start of LNG transfer operations.

(2) The owner or operator of an LHG facility must submit the LOI to the COTP no later than the date the owner or operator files with the federal or state agency having jurisdiction, but, in all cases, at least one year prior to the start of LHG transfer operations.

(c) Each LOI must contain—

(1) The name, address, and telephone number of the owner and operator;

(2) The name, address, and telephone number of the federal, state, or local agency having jurisdiction;

(3) The name, address, and telephone number of the facility;

(4) The physical location of the facility;

(5) A description of the facility;

(6) The LNG or LHG vessels' characteristics and the frequency of LNG or LHG shipments to or from the facility; and

(7) Charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to the waterway used by the LNG or LHG vessels en route to the facility, within at least 25 kilometers (15.5 miles) of the facility.

(d) The owner or operator who submits an LOI under paragraphs (a) or (b) must notify the COTP in writing within 15 days of any of the following:

(1) There is any change in the information submitted under paragraphs (c)(1) through (c)(7) of this section; or

(2) No LNG or LHG transfer operations are scheduled within the next 12 months.

(e) A facility owner or operator who intends to build a new waterfront LNG or LHG facility, or a facility owner or operator who plans new construction on an existing waterfront LNG or LHG facility, must file a waterway suitability assessment (WSA) with the COTP of the zone in which the facility is or will be located. The WSA must consist of a Preliminary WSA and a Follow-on WSA. A COTP may request additional information during review of the Preliminary WSA or Follow-on WSA.

(f) The Preliminary WSA must:

(1) Be submitted to the COTP with the LOI; and

(2) Provide an initial explanation of the following:

(i) Port characterization;

(ii) Characterization of the LNG or LHG facility and LNG or LHG tanker route;

(iii) Risk assessment for maritime safety and security;

(iv) Risk management strategies; and

(v) Resource needs for maritime safety, security, and response.

(g) The Follow-on WSA must:

(1) Be submitted to the COTP as follows:

(i) The owner or operator of an LNG facility must submit the Follow-on WSA to the COTP no later than the date the owner or operator files its application with FERC pursuant to 18 CFR parts 153 or 157, or if no application to FERC is required, at least 180 days before the owner or operator begins transferring LNG.

(ii) The owner or operator of an LHG facility must submit the Follow-on WSA to the COTP in all cases at least 180 days before the owner or operator begins transferring LHG.

(2) Contain a detailed analysis of the elements listed in §§ 127.009(d) and (e) of this part below.

(h) Until the facility begins operation, owners or operators must:

(1) Annually review their WSAs and submit a report to the COTP as to whether changes are required. The deadline for the required annual report should coincide with the date of the COTP's letter of recommendation, which indicates review and validation of the Follow-on WSA has been completed.

(2) In the event that revisions to the WSA are needed, report to the COTP the details of the necessary revisions, along with a timeline for completion.

(3) Update the WSA if there are any changes in conditions, such as changes to the port environment, the LNG or LHG facility, or the tanker route, that would affect the suitability of the waterway for LNG or LHG traffic.

(4) Submit a final report to the COTP at least 30 days, but not more than 60 days, prior to the start of operations.

5. Revise § 127.009 to read as follows:

§ 127.009 Letter of recommendation.

After the COTP receives the letter of intent under § 127.007(a) or (b), the COTP issues a letter of recommendation to the federal, state, or local government agencies having jurisdiction, as to the suitability of the waterway for LNG or LHG marine traffic, based on the—

(a) Information submitted under § 127.007;

(b) Density and character of marine traffic in the waterway;

(c) Locks, bridges, or other man-made obstructions in the waterway;

(d) Following factors adjacent to the facility such as:

(1) Depths of the water;

(2) Tidal range;

(3) Protection from high seas;

(4) Natural hazards, including reefs, rocks, and sandbars;

(5) Underwater pipelines and cables;

(6) Distance of berthed vessel from the channel and the width of the channel; and

(e) Other safety and security issues identified.

Dated: April 22, 2009.

Howard L. Hime,

Acting Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. E9–9639 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AN31

Vocational Rehabilitation and Employment Program—Self-Employment

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the vocational rehabilitation and employment regulations of the Department of Veterans Affairs (VA) concerning self-employment for individuals with qualifying disabilities. We are proposing changes that are intended to conform VA's regulations for self-employment programs for veterans, and for servicemembers awaiting discharge, to statutory provisions, including provisions limiting eligibility for certain supplies, equipment, stock, and license fees to individuals with the most severe service-connected disabilities. We are also proposing related changes in VA's regulations affecting eligibility for such assistance for certain veterans' children with birth defects in self-employment programs. In addition, we propose to amend our regulations regarding authority for approval of self-employment plans to make certain requirements less restrictive and less burdensome, remove a vague and overly broad requirement, make changes to reflect longstanding VA policy, and make nonsubstantive clarifying changes in our regulations affecting self-employment programs.

DATES: Comments must be received on or before June 29, 2009.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AN31—Vocational Rehabilitation and Employment Program—Self-Employment.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Alvin Bauman, Senior Policy Analyst, Vocational Rehabilitation and Employment Service (28), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 461–9613 (not a toll-free number).

SUPPLEMENTARY INFORMATION: We propose to amend VA's regulations concerning self-employment in 38 CFR part 21 that are applicable to benefits and services under 38 U.S.C. chapter 31, Training and Rehabilitation for Veterans with Service-Connected Disabilities, and 38 U.S.C. chapter 18, Benefits for Children of Vietnam Veterans and Certain Other Veterans.

The Veterans' Benefits Act of 1996, Public Law 104–275 (enacted October 9, 1996), amended 38 U.S.C. 3104(a)(12) regarding the special assistance and supplies that VA can provide for individuals pursuing self-employment programs. Prior to the enactment of Public Law 104–275, only ''the most severely disabled'' individuals who required self-employment were, under 38 CFR 21.258, entitled to the special supplies, equipment, stock, and license fees described in 38 CFR 21.214(e). Public Law 104–275 amended 38 U.S.C. 3104(a)(12) by restricting the provision of those special supplies, equipment, stock, and license fees to individuals ''with the most severe service-connected disabilities who require homebound training or self employment.'' We plan to address issues concerning training in the home (also known as homebound training) under 38 U.S.C. 3104(a)(12) in a future rulemaking. This rulemaking, like current § 21.258, concerns individuals who require self-employment, some of whom may also require homebound training. This proposed rule includes (in § 21.257 rather than current § 21.258) criteria

regarding providing such special supplies, equipment, stock, and license fees for individuals who require self-employment.

We also propose to revise and eliminate some of the provisions of § 21.254 pertaining to a service-disabled veteran who has trained for self-employment under a State rehabilitation agency. The proposed changes are intended to make the requirements under § 21.254 less restrictive and less burdensome. Specifically, we propose to eliminate the requirement in current § 21.254 for certification by an official of the State rehabilitation agency with responsibility for administration of self-employment programs that:

- The veteran has successfully completed training for a self-employment program;
- The assistance needed is not available through the State rehabilitation program, or other non-VA sources; and
- The assistance requested is a part of the veteran's Individualized Written Rehabilitation Plan (IWRP) developed by the State rehabilitation agency.

Instead, we propose to state the conditions under which an individual who has trained for self-employment under a State rehabilitation agency may be provided special supplies, equipment, stock, and license fees if there is a VA determination that the following criteria are met:

- The individual is eligible for employment assistance under the provisions of 38 CFR 21.47.
- Evidence of record indicates that the individual has successfully completed training for a self-employment program under a State rehabilitation agency.
- No other non-VA sources of assistance are known to be available for the individual to complete his or her self-employment program.
- The individual is within the group of ''individuals with the most severe service-connected disability(ies) who require self-employment'' as defined in 38 CFR 21.257(b).

In addition, we propose to eliminate the requirement currently in § 21.254 that, prior to authorization of any supplies, the Director, Vocational Rehabilitation and Education (VR&E) Service must approve the request if the cost of supplies is more than $2,500.

We propose to amend the criteria for approval of self-employment as a vocational goal for an individual. Current § 21.257 provides that self-employment is only available to an individual if access to the normal channels for suitable employment is limited by his or her disability(ies), or other circumstances in the individual's situation warrant consideration of self-employment. We believe the first of these criteria is excessively restrictive and that the second is vague and excessively broad.

Self-employment as a mode of employment is authorized for all program participants for whom it is determined to be appropriate for achieving rehabilitation. However, 38 U.S.C. 3104(a)(12), as amended, reserves the special assistance described in § 21.214(e) for individuals with the most severe service-connected disability(ies) who require self-employment. Accordingly, we propose to revise § 21.257 to remove the above-referenced restriction on authorizing self-employment as a suitable vocational goal and limit consistent with the amendment to section 3104(a)(12) the self-employment special assistance under 38 CFR 21.214(e) to ''individuals with the most severe service-connected disability(ies) who require self-employment.''

Proposed § 21.258 contains an approval requirement relating to the cost of the provision of special supplies, equipment, stock, and license fees for self-employment programs in accordance with 38 U.S.C. 3104(a)(12). Proposed § 21.258 would require that a self-employment plan be approved either at the level of the VR&E Officer or at the level of the Director, VR&E Service. If the estimated or actual cost is less than $25,000, the VR&E Officer could approve the plan. If the estimated or actual cost of such a plan is $25,000 or more, approval by the Director, VR&E Service would be required. The provisions of § 21.258, as amended, would reflect existing VA policy.

Many of the proposed amendments to 38 CFR part 21, subpart A in this document applicable to veterans under the 38 U.S.C. chapter 31 program would be applicable to the vocational rehabilitation program under 38 U.S.C. chapter 18 regarding benefits for children of Vietnam veterans and certain other veterans (see 38 CFR part 21, subpart M). In subpart M, §§ 21.8020, 21.8210, and 21.8380 contain provisions concerning the applicability of the provisions of §§ 21.214, 21.254, 21.256, 21.257, 21.258, and 21.430 in a manner comparable to their application for a veteran under the chapter 31 program.

We propose to amend § 21.8020 to clarify how we would apply proposed § 21.257 to the provision of services and assistance under subpart M in a manner that we consider to be comparable to its application for a veteran under the 38 U.S.C. chapter 31 program. In lieu of requiring that the individuals covered under subpart M meet the definition in proposed § 21.257(b), the requirements for application of proposed § 21.257(e)(1) and (2) would be deemed met for an individual in a self-employment program if the individual has been determined by VA to have limitations affecting employability arising from the effects of the individual's spina bifida or other covered birth defect(s), which are so severe as to necessitate selection of self-employment as the only reasonably feasible vocational goal for the individual. We are proposing a related clarifying change in § 21.8020(d), intended to remove the possible implication that self-employment is not among the employment options for a participant's program under subpart M.

In addition to the amendments noted above, we also propose to reorganize §§ 21.257 and 21.258 to improve readability, and to make other clarifying changes that are nonsubstantive.

Paperwork Reduction Act of 1995

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any year. This rule would have no such effect on State, local, and tribal governments, or on the private sector.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a regulatory action as a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, if it is a regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or

safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would not directly affect any small entities. Only individuals could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs that would be affected by this proposed rule are 64.116, Vocational Rehabilitation for Disabled Veterans, and 64.128, Vocational Training and Rehabilitation for Vietnam Veterans' Children with Spina Bifida or Other Covered Defects.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 15, 2009.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

For the reasons set forth in the preamble, VA proposes to amend 38 CFR part 21 (subparts A and M) as follows:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation and Employment Under 38 U.S.C. Chapter 31

1. Revise the authority citation for part 21, subpart A to read as follows:

Authority: 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

2. Revise the subpart A heading as set forth above.

3. Amend § 21.214 by:

a. In paragraph (e) introductory text, removing ''services'' and adding, in its place, ''related assistance'' and removing ''§ 21.258'' and adding, in its place, ''§§ 21.257 and 21.258''.

b. In paragraph (e)(3), removing ''incidental services'' and adding, in its place, ''related assistance''.

c. Revising the authority citation for paragraph (e).

The revision reads as follows:

§ 21.214 Furnishing supplies for special programs.

* * * * *

(Authority: 38 U.S.C. 3104(a)(12))

* * * * *

4. In § 21.254, revise paragraph (c) to read as follows:

§ 21.254 Supportive services.

* * * * *

(c) *Individuals with service-connected disability(ies) trained for self-employment under a State rehabilitation agency.* An individual with service-connected disability(ies) who has trained for self-employment under a State rehabilitation agency may be provided supplemental equipment and initial stocks and supplies similar to the materials supplied under 38 U.S.C. chapter 31 to individuals with the most severe service-connected disability(ies) who require self-employment as defined in § 21.257(b) if VA determines that the following conditions are met:

(1) The individual is eligible for employment assistance under the provisions of § 21.47;

(2) Evidence of record indicates that the individual has successfully completed training for a self-employment program under a State rehabilitation agency;

(3) No other non-VA sources of assistance are known to be available for the individual to complete his or her self-employment program; and

(4) The individual meets the requirements of the definition in § 21.257(b).

(Authority: 38 U.S.C. 3104, 3117(b)(2))

5. Revise § 21.257 to read as follows:

§ 21.257 Self-employment.

(a) *Approval of self-employment as a vocational goal.* A program of vocational rehabilitation benefits and services may include self-employment for an individual if VA determines that such an objective is a suitable vocational goal. VA will make this determination based on—

(1) The results of the individual's initial evaluation conducted in accordance with the provisions of § 21.50; and

(2) The provisions of this section.

(Authority: 38 U.S.C. 3104(a))

(b) *Definition.* For purposes of this subpart, *individuals with the most severe service-connected disability(ies) who require self-employment* means individuals who have been determined by VA to have limitations affecting employability arising from the effects of each individual's service-connected disability(ies), which are so severe as to necessitate selection of self-employment as the only reasonably feasible vocational goal for the individuals.

(Authority: 38 U.S.C. 3104)

(c) *Scope of self-employment benefits and services.*

(1) VA may provide the self-employment services listed in paragraph (d) of this section to program participants who are pursuing the vocational goal of self-employment.

(2) VA may provide the more extensive services listed in paragraph (e) of this section to individuals with the most severe service-connected disability(ies) who require self-employment.

(Authority: 38 U.S.C. 3104(a))

(d) *Assistance for other individuals in self-employment.* Subject to the provisions of § 21.258, VA may provide the following assistance to any individual for whom self-employment is determined to be a suitable vocational goal—

(1) Vocational training;

(2) Incidental training in the management of a business;

(3) License or other fees required for self-employment;

(4) Necessary tools and supplies for the occupation; and

(5) Services described in § 21.252.

(Authority: 38 U.S.C. 3104(a))

(e) *Special self-employment services for individuals with the most severe service-connected disability(ies) who require self-employment.* Individuals described in paragraph (b) of this section who are in a self-employment program may receive—

(1) The services described in paragraph (d) of this section; and

(2) The assistance described in § 21.214.

(Authority: 38 U.S.C. 3104, 3116, 3117)

(f) *Feasibility analysis of a proposed self-employment business plan.* VA will conduct a comprehensive review and analysis of the feasibility of a proposed business plan, as submitted by the individual or developed with VA's assistance, prior to authorizing a rehabilitation plan leading to self-employment (a ''self-employment plan''). The feasibility analysis must include—

(1) An analysis of the economic viability of the proposed business;

(2) A cost analysis specifying the amount and types of assistance that VA will provide;

(3) A market analysis for the individual's proposed services or products;

(4) Availability of financing from non-VA sources, including the individual's personal resources, local banks, and other sources;

(5) Evidence of coordination with the Small Business Administration to secure special consideration under section 8 of the Small Business Act, as amended;

(6) The location of the site for the proposed business and the cost of the site, if any; and

(7) A training plan to operate a successful business.

(Authority: 38 U.S.C. 3104)

6. Section 21.258 is revised to read as follows:

§ 21.258 Cost limitations on approval of self-employment plans.

A self-employment plan with an estimated or actual cost of less than $25,000 may be approved by the VR&E Officer with jurisdiction. Any self-employment plan with an estimated or actual cost of $25,000 or more must be approved by the Director, VR&E Service.

(Authority: 38 U.S.C. 3104)

Subpart M—Vocational Training and Rehabilitation for Certain Children of Veterans—Spina Bifida and Covered Birth Defects

7. The authority citation for part 21, subpart M continues to read as follows:

Authority: 38 U.S.C. 101, 501, 512, 1151 note, ch. 18, 5112, and as noted in specific sections.

8. Amend § 21.8020 by:

a. Revising paragraph (b).

b. In paragraph (d), removing ''obtains a suitable job'' and adding, in its place, ''becomes suitably employed''.

The revision reads as follows:

§ 21.8020 Entitlement to vocational training and employment assistance.

* * * * *

(b) *Services and assistance.* An eligible child may receive the services and assistance described in § 21.8050(a).

(1) The following sections in subpart A of this part apply to the provision of these services and assistance in a manner comparable to their application for a veteran under the 38 U.S.C. chapter 31 program:

(i) Section 21.250(a) and (b)(2);

(ii) Section 21.252;

(iii) Section 21.254;

(iv) Section 21.256 (not including paragraph (e)(2));

(v) Section 21.257; and

(vi) Section 21.258.

(2) For purposes of this subpart, the requirements for application of § 21.257(e)(1) and (2) are deemed met for an individual in a self-employment program regardless of whether the individual is described in § 21.257(b), if the individual has been determined by VA to have limitations affecting employability arising from the effects of the individual's spina bifida and/or other covered birth defect(s) which are so severe as to necessitate selection of self-employment as the only reasonably feasible vocational goal for the individual.

(Authority: 38 U.S.C. 1804, 1814)

* * * * *

[FR Doc. E9–9591 Filed 4–27–09; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R6–ES–2007–0014; 92210–1117–0000–FY08–B4]

RIN 1018–AT79

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Salt Creek Tiger Beetle (Cicindela nevadica lincolniana)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Revised proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on the proposed rule (72 FR 70715, December 12, 2007) to designate critical habitat for the Salt Creek tiger beetle (*Cicindela nevadica lincolniana*) under the Endangered Species Act of 1973, as amended (Act). In this document, we are proposing to add a total of 138 acres (ac) (56 hectares (ha)) of critical habitat to three of the four previously proposed units. As a result, our proposed revised critical habitat designation for the species now includes four critical habitat units totaling approximately 1,933 ac (782 ha).

The reopened comment period will provide the interested parties with an opportunity to submit written comments on our proposal to add 138 ac (56 ha), determined to be occupied and essential to the Salt Creek tiger beetle, to the 1,795 ac (726 ha) proposed as critical habitat on December 12, 2007. Comments previously submitted for the proposed critical habitat designation need not be resubmitted; they have already been incorporated into the public record and will be fully considered in any final decision.

DATES: We will consider comments received on or before May 28, 2009.

ADDRESSES: You may submit comments 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–R6–ES–2007–0014; 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 comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: June DeWeese, Field Supervisor, Nebraska Ecological Services Field Office, Federal Building, Second Floor, 203 West Second Street, Grand Island, NE 68801; telephone (308) 382–6468. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We intend that any final action resulting from the proposed rule will be as accurate and as effective as possible. Therefore, we request comments or information during this reopened comment period on the proposed critical habitat designation published in the **Federal Register** on December 12, 2007 (72 FR 70715), the draft economic analysis, and draft environmental assessment that were announced in that rule and available to the public at

http://www.regulations.gov, and this revision to the proposed rule. We particularly seek comments concerning the proposed revision in this document to add an additional 138 ac (56 ha).

We also seek comments on:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation would outweigh any threats to the subspecies caused by designation such that the designation is not prudent;

(2) Specific information on:

- The amount and distribution of Salt Creek tiger beetle habitat;
- What areas occupied at the time of listing and that contain features essential for the conservation of the subspecies we should include in the designation and why; and
- What areas not occupied at the time of listing are essential to the conservation of the subspecies and why;

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

(4) Any foreseeable economic, national security, or other relevant impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(5) Economic data on the incremental costs of designating any particular area as Salt Creek tiger beetle critical habitat; and

(6) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Previously submitted comments for the proposed rule need not be resubmitted. You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept 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 any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment 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 proposed rule, 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, Nebraska Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Previous Federal Actions

We published a final rule to list the Salt Creek tiger beetle as endangered on October 6, 2005 (70 FR 58335). Critical habitat was not designated at the time of listing because we were in the process of identifying the physical and biological features essential to the conservation of the Salt Creek tiger beetle. On December 12, 2007, we published a proposed rule to designate approximately 1,795 ac (727 ha) of land in portions of Lancaster and Saunders Counties, Nebraska, as critical habitat, and announced the availability of a draft economic analysis and draft environmental assessment (72 FR 70715). The original comment period on the Salt Creek tiger beetle proposed critical habitat rule closed on February 11, 2008. On June 3, 2008, we reopened the comment period on the proposed rule until July 11, 2008, and announced that we would hold a public hearing on July 1, 2008 (73 FR 31665).

Proposed Change to Boundaries of Salt Creek Tiger Beetle Units 1, 2, and 3

With this document, we are advising the public of new proposed revisions to three of the four units described in our original proposed critical habitat designation (72 FR 70715; December 12, 2007). In our December 12, 2007, proposal, approximately 1,795 ac (726 ha) were within the boundaries of the designation. We received information during the public comment periods, from peer reviewers and others, on the proposed critical habitat designation describing occupied acres adjacent to proposed critical habitat units. We assessed areas presented for consideration, and determined that 138 ac (56 ha) are essential to the conservation of the species because they are currently occupied and contain the primary constituent elements, which are described in our December 12, 2007, proposal (72 FR 70715). Adding these acres will fulfill three functions: (1) Provide for the varied habitat needs of the species, (2) help ensure that some habitat is available if flood events cause these habitats to shift locations along Little Salt Creek, and (3) provide a movement corridor between the critical habitat units on Little Salt Creek.

We determined that adding the 138 ac (56 ha) to critical habitat Units 1—Upper Little Salt Creek North, 2—Little Salt Creek Arbor Lake, and 3—Little Salt Creek Roper is supported by the best available scientific information. The addition of these acres would result in a final designation of 1,933 ac (782 ha), of which 583 ac (236 ha) are State-owned and 1,350 ac (546 ha) are privately owned.

The additional 138 ac (44 ac (18 ha) State; 94 ac (38 ha) private) are identified by crosshatch on the two figures delineating proposed critical habitat included below. All acres in the proposed critical habitat, including the additional acres, are located in Lancaster and Saunders Counties, Nebraska. Three public and six private landowners are represented by the additional 138 ac, all of whom own parcels that we included in our proposed critical habitat (72 FR 70715; December 12, 2007).

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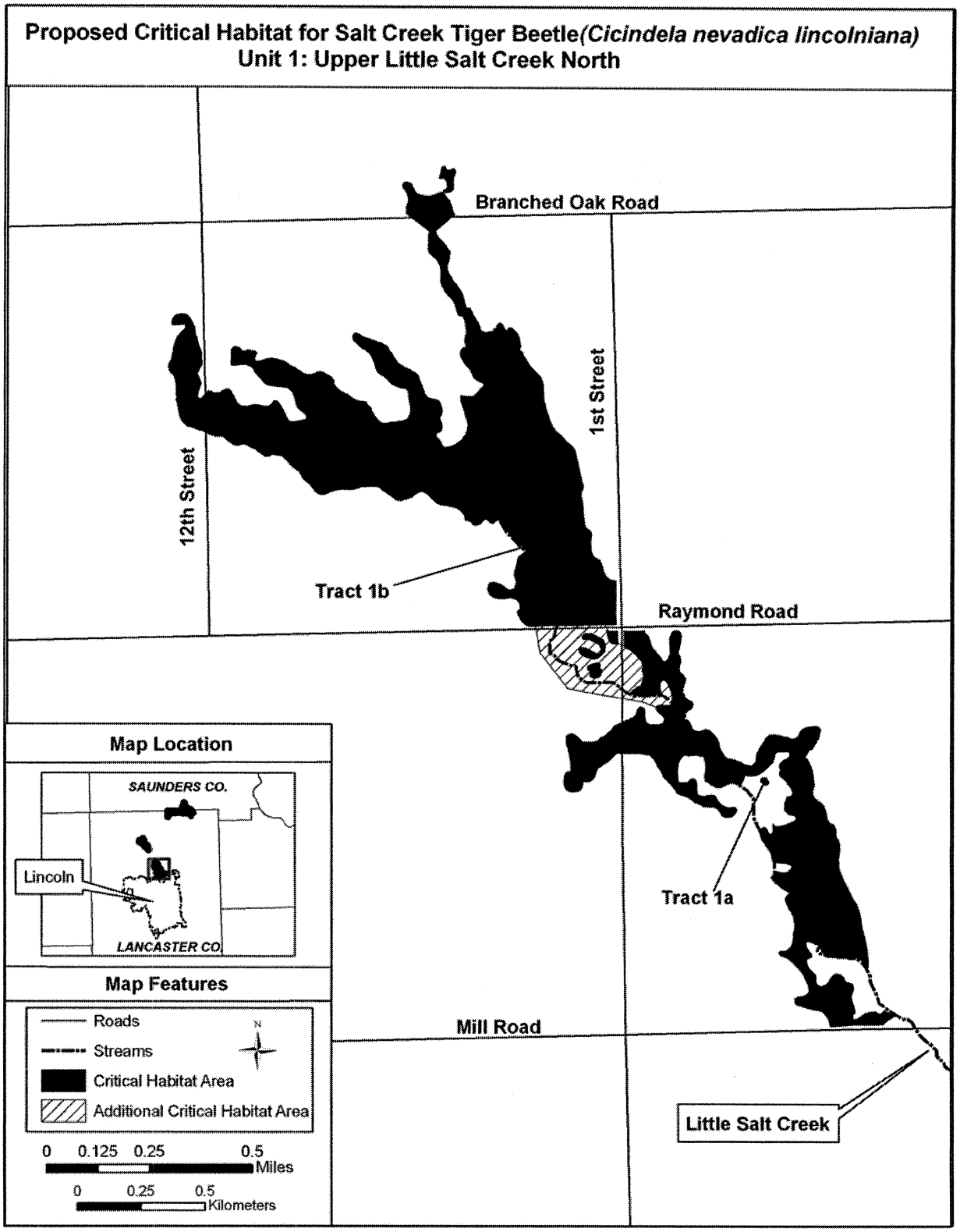
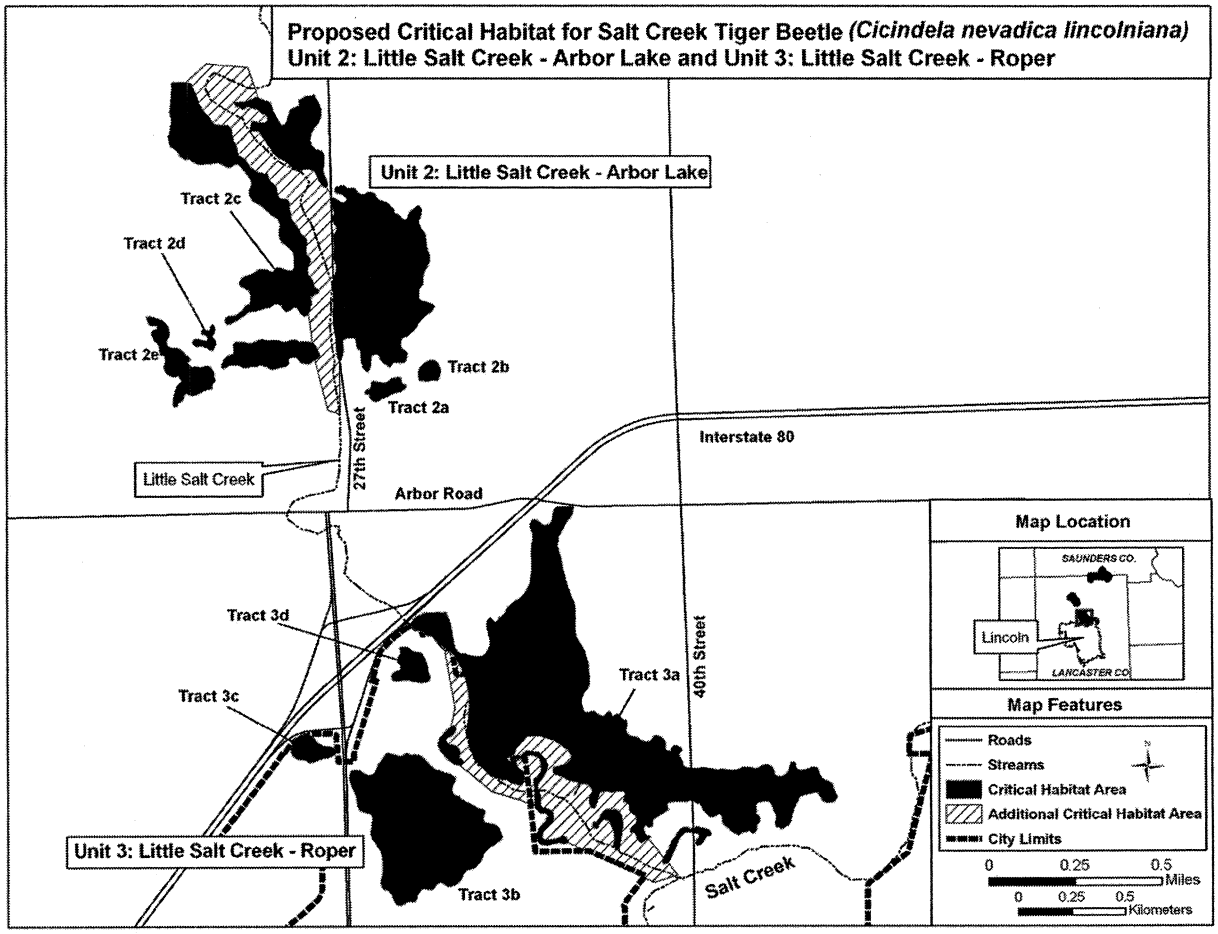

Proposed Critical Habitat for Salt Creek Tiger Beetle(Cicindela nevadica lincolniana)
Unit 1: Upper Little Salt Creek North
Branched Oak Road
1st Street
12th Street
Tract 1b
Raymond Road
Tract 1a
Mill Road
Little Salt Creek
Map Location
SAUNDERS CO.
Lincoln
LANCASTER CO.
Map Features
Roads
Streams
Critical Habitat Area
Additional Critical Habitat Area
N
0 0.125 0.25 0.5
Miles
0 0.25 0.5
Kilometers



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The additional acres encompass Little Salt Creek and adjacent habitat assessed in the draft economic analysis as buffer habitat. The economics related to the additional acres will be discussed in the final economic analysis for the Salt Creek tiger beetle's critical habitat designation.

Required Determinations

In our December 12, 2007, proposed rule (72 FR 70715), we made use of a draft economic analysis and environmental assessment in making our determinations of compliance with several statutes and Executive Orders including Executive Order (E.O.) 12866 (Regulatory Planning and Review), the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), E.O. 12630 (Takings), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 13211 (Energy, Supply, Distribution, and Use), the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951). Please refer to the proposed rule and our draft economic analysis of the proposed critical habitat designation for detailed discussions of required determinations and potential economic impacts. The economics related to the additional acres will be discussed in the final economic analysis, and, if we adopt a final rule for this action, we will confirm our required determinations in that final rule to designate critical habitat for the Salt Creek tiger beetle.

Author(s)

The authors of this document are the staff members of the Nebraska Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 72 FR 70715, December 12, 2007, as follows:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Critical habitat for the Salt Creek tiger beetle in § 17.95, which was proposed to be added to paragraph (i) on December 12, 2007, at 72 FR 70715, is proposed to be amended by revising paragraphs (5), (6), (7), and (8) in the entry for ''Salt Creek Tiger Beetle (*Cicindela nevadica lincolniana*)'' to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

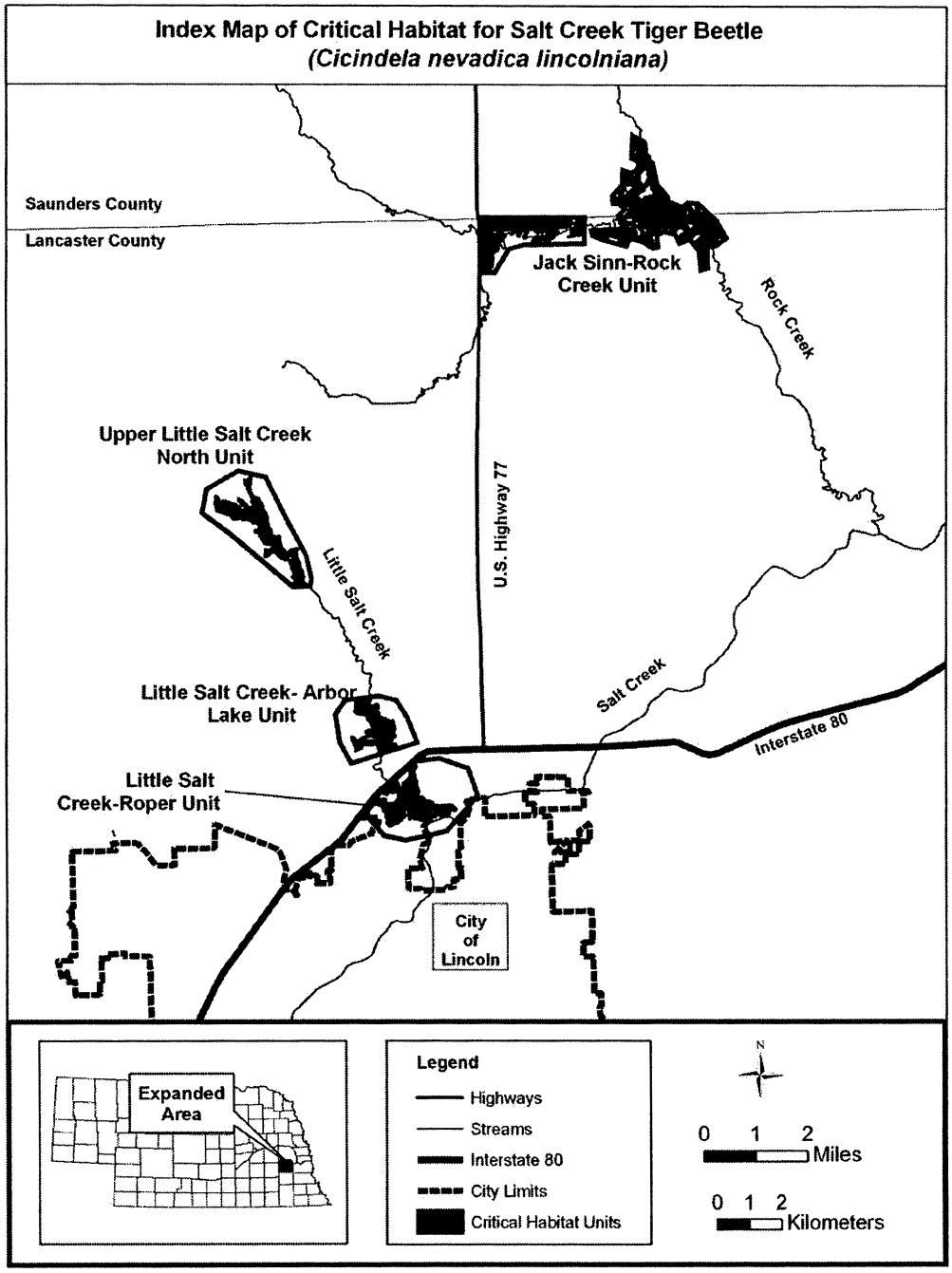
(i) *Insects.*

* * * * *

Salt Creek Tiger Beetle (*Cicindela nevadica lincolniana*)

* * * * *

(5) Note: Map 1 (index map) follows:



(6) Unit 1: Upper Little Salt Creek North, Lancaster County, Nebraska.

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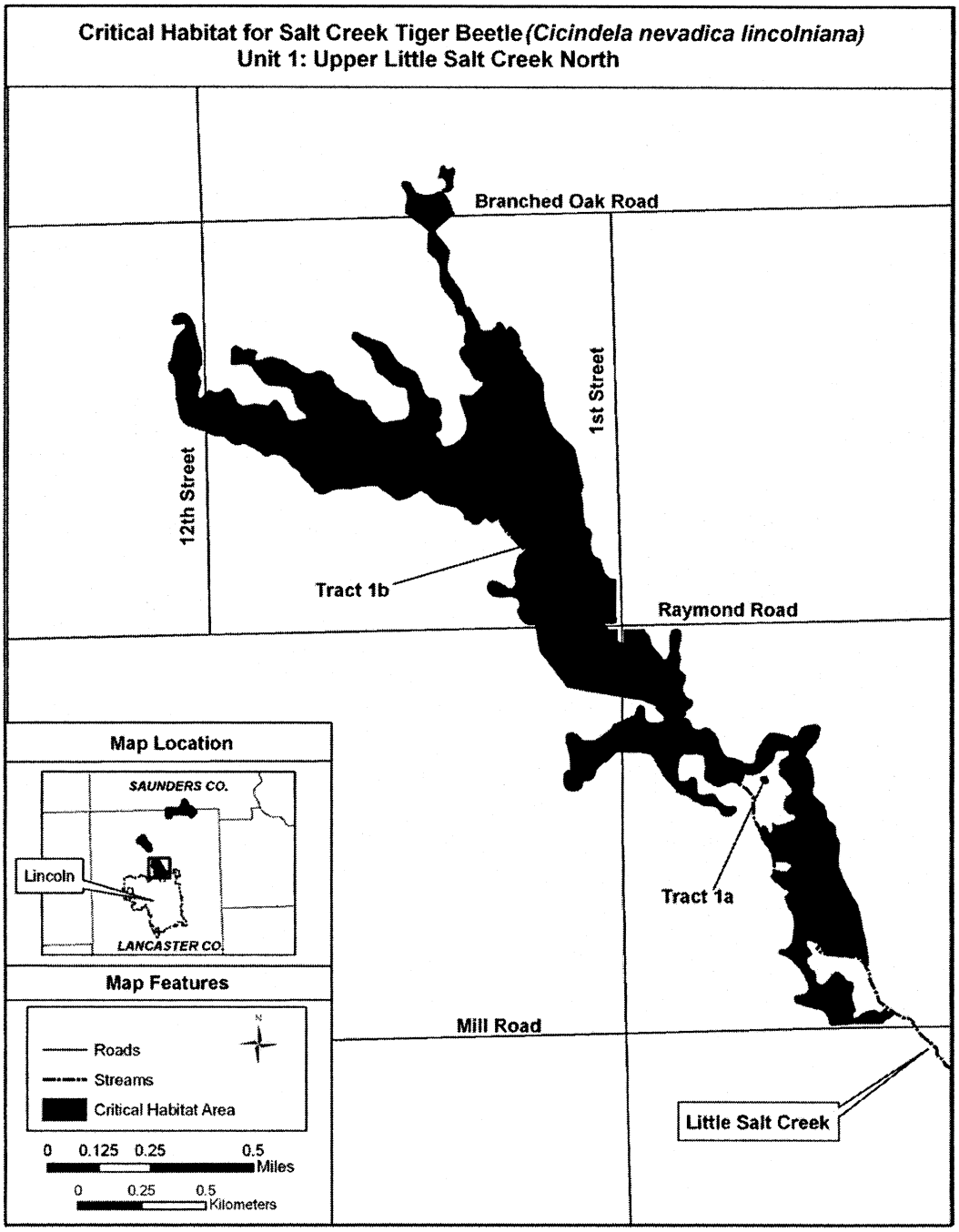
(iii) Note: Map of Unit 1 follows:



(7) Unit 2: Little Salt Creek—Arbor Lake, Lancaster County, Nebraska.

(i) Tract 2a: 695582, 4530097; 695584, 4530093; 695585, 4530092; 695590, 4530091; 695596, 4530091; 695600, 4530088; 695602, 4530085; 695602, 4530078; 695598, 4530070; 695591, 4530064; 695583, 4530058; 695572, 4530054; 695561, 4530051; 695555, 4530050; 695547, 4530048; 695541, 4530045; 695538, 4530043; 695530, 4530040; 695515, 4530031; 695496, 4530025; 695488, 4530021; 695482, 4530016; 695476, 4530013; 695471, 4530009; 695465, 4530008; 695457, 4530008; 695450, 4530009; 695444, 4530012; 695439, 4530017; 695434, 4530023; 695432, 4530031; 695428, 4530042; 695426, 4530044; 695422, 4530044; 695418, 4530043; 695413, 4530044; 695411, 4530046; 695409, 4530050; 695409, 4530056; 695411, 4530061; 695417, 4530065; 695427, 4530068; 695434, 4530074; 695438, 4530080; 695439, 4530087; 695439, 4530092; 695439, 4530098; 695441, 4530104; 695443, 4530106; 695450, 4530107; 695458, 4530105; 695467, 4530103; 695478, 4530101; 695488, 4530099; 695496, 4530097; 695506, 4530099; 695513, 4530102; 695522, 4530107; 695528, 4530111; 695534, 4530116; 695540, 4530120; 695548, 4530122; 695558, 4530122; 695565, 4530124; 695571, 4530123; 695576, 4530122; 695580, 4530116; 695581, 4530109; 695582, 4530104; 695582, 4530097.

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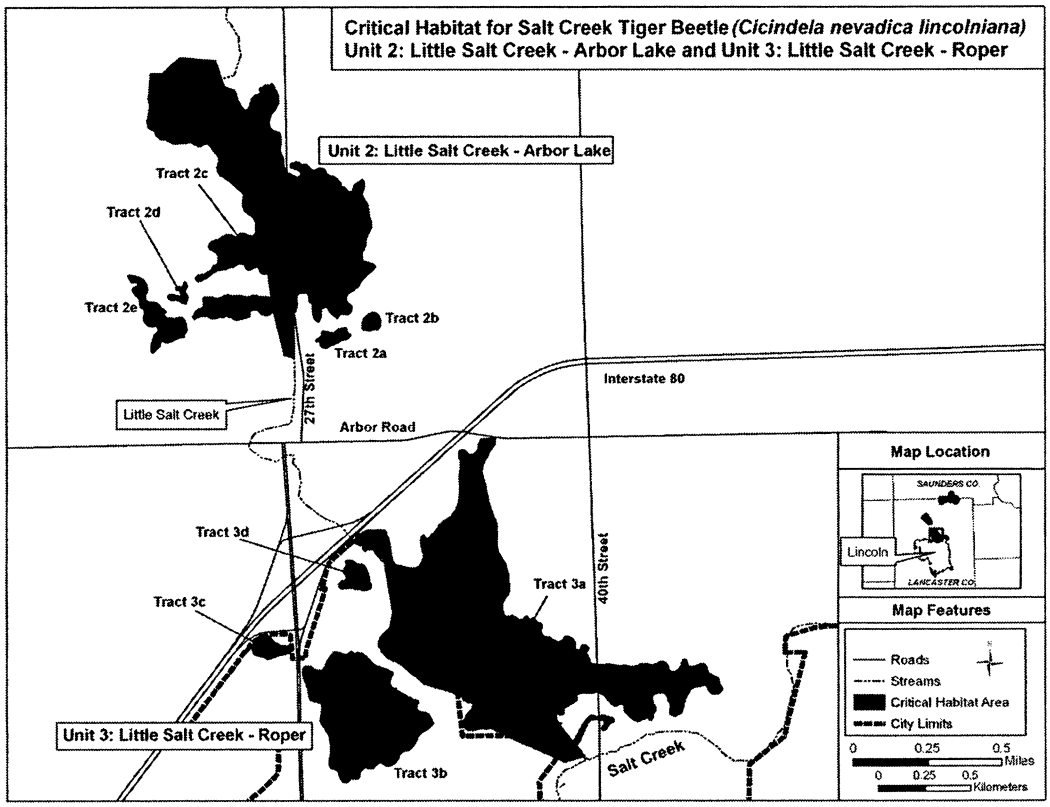
(vi) Note: Map of Units 2 and 3 follows:



(8) Unit 3: Little Salt Creek—Roper, Lancaster County, Nebraska.

(i) Tract 3a: 696382, 4529523; 696387, 4529519; 696387, 4529517; 696387, 4529512; 696385, 4529506; 696384, 4529499; 696383, 4529491; 696379, 4529481; 696372, 4529468; 696364, 4529460; 696359, 4529455; 696352, 4529446; 696347, 4529433; 696344, 4529427; 696339, 4529417; 696336, 4529410; 696333, 4529405; 696328, 4529398; 696326, 4529392; 696324, 4529388; 696323, 4529385; 696322, 4529384; 696316, 4529376; 696316, 4529374; 696315, 4529371; 696316, 4529356; 696313, 4529341; 696314, 4529331; 696317, 4529323; 696320, 4529310; 696325, 4529295; 696329, 4529281; 696332, 4529264; 696335, 4529246; 696338, 4529232; 696342, 4529218; 696345, 4529201; 696349, 4529187; 696353, 4529172; 696357, 4529157; 696361, 4529143; 696366, 4529132; 696370, 4529123; 696372, 4529113; 696376, 4529101; 696380, 4529089; 696385, 4529082; 696389, 4529074; 696392, 4529064; 696394, 4529053; 696394, 4529034; 696396, 4529008; 696395, 4528995; 696393, 4528975; 696394, 4528956; 696395, 4528938; 696397, 4528925; 696401, 4528909; 696406, 4528898; 696416, 4528883; 696424, 4528870; 696430, 4528860; 696436, 4528851; 696440, 4528843; 696443, 4528830; 696446, 4528817; 696450, 4528806; 696454, 4528795; 696457, 4528780; 696457, 4528766; 696458, 4528751; 696460, 4528731; 696461, 4528714; 696461, 4528701; 696460, 4528687; 696458, 4528674; 696454, 4528669; 696447, 4528661; 696440, 4528652; 696435, 4528644; 696428, 4528632; 696424, 4528620; 696422, 4528607; 696425, 4528596; 696427, 4528584; 696431, 4528575; 696434, 4528565; 696437, 4528560; 696442, 4528557; 696450, 4528555; 696456, 4528558; 696464, 4528561; 696471, 4528564; 696477, 4528564; 696487, 4528559; 696499, 4528551; 696507, 4528544; 696513, 4528542; 696523, 4528540; 696530, 4528543; 696535, 4528547; 696539, 4528552; 696543, 4528555; 696547, 4528559; 696551, 4528561; 696556, 4528560; 696560, 4528556; 696564, 4528551; 696566, 4528544; 696567, 4528542; 696569, 4528539; 696577, 4528546; 696582, 4528548; 696587, 4528549; 696589, 4528550; 696594, 4528550; 696598, 4528548; 696600, 4528545; 696603, 4528540; 696605, 4528536; 696606, 4528533; 696610, 4528529; 696615, 4528526; 696621, 4528525; 696627, 4528523; 696632, 4528519; 696636, 4528513; 696636, 4528510; 696636, 4528503; 696636, 4528494; 696634, 4528488; 696631, 4528469; 696648, 4528449; 696653, 4528447; 696660, 4528446; 696669, 4528446; 696677, 4528444; 696687, 4528438; 696695, 4528432; 696706, 4528426; 696711, 4528423; 696717, 4528422; 696723, 4528420; 696726, 4528419; 696728, 4528418; 696737, 4528422; 696742, 4528424; 696745, 4528426; 696750, 4528431; 696754, 4528437; 696758, 4528443; 696761, 4528447; 696765, 4528449; 696768, 4528450; 696774, 4528449; 696782, 4528447; 696787, 4528446; 696794, 4528443; 696801, 4528438; 696806, 4528433; 696810, 4528427; 696814, 4528420; 696816, 4528415; 696816, 4528381; 696829, 4528377; 696832, 4528376; 696834, 4528376; 696837, 4528375; 696837, 4528374; 696841, 4528383; 696843, 4528385; 696845, 4528389; 696853, 4528399; 696854, 4528401; 696857, 4528403; 696862, 4528403; 696868, 4528402; 696879, 4528398; 696885, 4528395; 696889, 4528392; 696892, 4528388; 696893, 4528385; 696893, 4528382; 696892, 4528378; 696890, 4528375; 696887, 4528370; 696884, 4528365; 696878, 4528354; 696888, 4528342; 696892, 4528334; 696896, 4528325; 696899, 4528314; 696903, 4528307; 696909, 4528303; 696917, 4528299; 696929, 4528297; 696942, 4528297; 696954, 4528297; 696966, 4528297; 696979, 4528298; 696989, 4528299; 696999, 4528298; 697009, 4528298; 697017, 4528297; 697027, 4528295; 697034, 4528294; 697041, 4528293; 697046, 4528293; 697048, 4528292; 697060, 4528288; 697063, 4528289; 697067,

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(ii) Tract 3b: 695565, 4528354; 695574, 4528353; 695580, 4528356; 695586, 4528359; 695593, 4528366; 695599, 4528367; 695606, 4528366; 695613, 4528361; 695619, 4528360; 695624, 4528359; 695632, 4528361; 695636, 4528361; 695641, 4528362; 695644, 4528361; 695663, 4528357; 695667, 4528353; 695675, 4528347; 695683, 4528338; 695693, 4528329; 695700, 4528322; 695707, 4528313; 695714, 4528306; 695722, 4528299; 695730, 4528293; 695741, 4528289; 695752, 4528286; 695763, 4528282; 695774, 4528277; 695782, 4528275; 695793, 4528271; 695802, 4528268; 695811, 4528263; 695814, 4528261; 695818, 4528260; 695822, 4528258; 695824, 4528256; 695826, 4528253; 695828, 4528245; 695826, 4528238; 695823, 4528232; 695822, 4528228; 695816, 4528219; 695813, 4528210; 695812, 4528203; 695811, 4528197; 695812, 4528189; 695814, 4528184; 695816, 4528179; 695821, 4528175; 695827, 4528170; 695832, 4528167; 695837, 4528167; 695842, 4528167; 695846, 4528165; 695846, 4528165; 695848, 4528159; 695942, 4528107; 695946, 4528107; 695954, 4528106; 695962, 4528102; 695966, 4528098; 695966, 4528094; 695966, 4528088; 695965, 4528083; 695963, 4528079; 695960, 4528069; 695958, 4528060; 695960, 4528050; 695963, 4528045; 695973, 4528042; 695981, 4528040; 695995, 4528039; 696008, 4528037; 696014, 4528033; 696021, 4528028; 696028, 4528022; 696037, 4528007; 696043, 4527992; 696046, 4527985; 696047, 4527977; 696047, 4527969; 696043, 4527964; 696034, 4527955; 696024, 4527948; 696014, 4527941; 696003, 4527934; 695996, 4527928; 695987, 4527924; 695979, 4527917; 695972, 4527911; 695966, 4527904; 695960, 4527891; 695954, 4527881; 695947, 4527866; 695939, 4527854; 695928, 4527841; 695919, 4527832; 695909, 4527827; 695899, 4527824; 695887, 4527822; 695876, 4527818; 695868, 4527809; 695864, 4527799; 695859, 4527786; 695854, 4527776; 695845, 4527766; 695836, 4527757; 695826, 4527751; 695811, 4527746; 695795, 4527744; 695783, 4527747; 695774, 4527753; 695768, 4527757; 695761, 4527761; 695751, 4527760; 695740, 4527755; 695731, 4527745; 695725, 4527736; 695718, 4527730; 695708, 4527729; 695698, 4527729; 695685, 4527732; 695676, 4527733; 695672, 4527733; 695669, 4527730; 695667, 4527728; 695654, 4527714; 695652, 4527711; 695649, 4527707; 695648, 4527699; 695646, 4527689; 695642, 4527680; 695638, 4527675; 695631, 4527673; 695625, 4527673; 695620, 4527675; 695617, 4527677; 695600, 4527673; 695590, 4527663; 695584, 4527659; 695575, 4527656; 695567, 4527654; 695559, 4527656; 695553, 4527658; 695547, 4527664; 695541, 4527673; 695536, 4527682; 695532, 4527693; 695529, 4527702; 695527, 4527706; 695522, 4527712; 695518, 4527718; 695514, 4527722; 695506, 4527725; 695496, 4527728; 695487, 4527733; 695483, 4527738; 695478, 4527750; 695476, 4527759; 695476, 4527768; 695477, 4527785; 695481, 4527799; 695485, 4527813; 695485, 4527827; 695485, 4527841; 695484, 4527866; 695482, 4527877; 695480, 4527888; 695478, 4527897; 695476, 4527906; 695472, 4527914; 695469, 4527921; 695462, 4527928; 695457, 4527936; 695450, 4527947; 695443, 4527956; 695438, 4527965; 695434, 4527974; 695430, 4527984; 695429, 4527991; 695429, 4528000; 695431, 4528012; 695432, 4528022; 695435, 4528042; 695436, 4528050; 695437, 4528058; 695437, 4528065; 695436, 4528070; 695434, 4528076; 695432, 4528080; 695428, 4528083; 695422, 4528086; 695414, 4528088; 695404, 4528090; 695395, 4528093; 695390, 4528094; 695383, 4528097; 695378, 4528100; 695373, 4528107; 695368, 4528118; 695365, 4528132; 695364, 4528144; 695363, 4528151; 695362, 4528155; 695360, 4528166; 695357, 4528172; 695354, 4528179; 695340, 4528211; 695337, 4528220; 695334, 4528228; 695332, 4528237; 695330, 4528244; 695329, 4528253; 695331, 4528261; 695332, 4528269; 695334, 4528275; 695336, 4528280;

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(iii) Tract 3c: 695160, 4528323; 695149, 4528321; 695141, 4528322; 695137, 4528325; 695132, 4528330; 695129, 4528332; 695119, 4528334; 695103, 4528336; 695093, 4528337; 695084, 4528340; 695076, 4528344; 695070, 4528348; 695064, 4528355; 695060, 4528363; 695058, 4528370; 695056, 4528380; 695055, 4528388; 695057, 4528396; 695062, 4528410; 695066, 4528420; 695072, 4528429; 695077, 4528435; 695083, 4528441; 695091, 4528446; 695098, 4528450; 695107, 4528452; 695115, 4528454; 695120, 4528455; 695127, 4528456; 695131, 4528455; 695139, 4528455; 695146, 4528453; 695150, 4528451; 695155, 4528448; 695167, 4528438; 695175, 4528426; 695180, 4528420; 695184, 4528417; 695187, 4528416; 695194, 4528412; 695204, 4528405; 695209, 4528403; 695218, 4528401; 695227, 4528401; 695236, 4528401; 695243, 4528400; 695252, 4528397; 695259, 4528393; 695264, 4528388; 695268, 4528381; 695269, 4528370; 695265, 4528362; 695260, 4528356; 695247, 4528349; 695237, 4528345; 695223, 4528343; 695209, 4528340; 695200, 4528337; 695190, 4528334; 695180, 4528330; 695169, 4528326; 695160, 4528323.

(iv) Tract 3d: 695576, 4528864; 695583, 4528864; 695587, 4528864; 695595, 4528864; 695602, 4528863; 695606, 4528862; 695608, 4528861; 695613, 4528857; 695628, 4528846; 695637, 4528842; 695645, 4528841; 695652, 4528840; 695660, 4528839; 695666, 4528838; 695673, 4528832; 695677, 4528826; 695681, 4528818; 695686, 4528807; 695690, 4528798; 695693, 4528790; 695696, 4528781; 695698, 4528771; 695698, 4528763; 695700, 4528752; 695703, 4528743; 695706, 4528737; 695710, 4528728; 695711, 4528721; 695710, 4528712; 695706, 4528705; 695697, 4528698; 695688, 4528695; 695675, 4528694; 695662, 4528694; 695648, 4528697; 695633, 4528700; 695616, 4528704; 695601, 4528706; 695588, 4528707; 695576, 4528704; 695562, 4528703; 695551, 4528704; 695541, 4528705; 695535, 4528708; 695531, 4528714; 695530, 4528725; 695533, 4528735; 695537, 4528741; 695545, 4528748; 695553, 4528751; 695563, 4528754; 695567, 4528757; 695571, 4528763; 695572.

(v) Note: Map of Unit 3 is provided at paragraph (7)(vi) of this entry.

* * * * *

Dated: March 4, 2009.

Jane Lyder,

Assistant Deputy Secretary, Department of the Interior.

[FR Doc. E9–9234 Filed 4–27–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R8–ES–2008–0089; 81420–1117–8B10 B4]

RIN 1018–AV90

Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the California Red-Legged Frog (Rana aurora draytonii)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, notice of availability of draft economic analysis, and amended required determinations.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on our September 16, 2008, proposed revised designation of critical habitat for the California red-legged frog under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of the draft economic analysis (DEA), a revision to proposed critical habitat Unit MEN–1, and an amended required determinations section of the proposal. We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed revision of critical habitat (including the changes to proposed critical habitat Unit MEN–1), the associated DEA, and the amended required determinations section. Comments previously submitted on this rulemaking do not need to be resubmitted. These comments have already been incorporated into the public record and will be fully considered in preparation of the final rule.

DATES: We will accept comments received on or before May 28, 2009.

ADDRESSES: You may submit comments 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: RIN 1018–AV90; 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 comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Susan Moore, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825; telephone 916–414–6600; facsimile 916–414–6712. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this reopened comment period on our proposed revision to critical habitat for the California red-legged frog published in the **Federal Register** on September 16, 2008 (73 FR 53492), as revised by this notice, the DEA of the proposed revised designation, and the amended required determinations provided in this document. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as critical habitat under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether there are threats to the subspecies from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat is not prudent.

(2) Specific information on:

- The amount and distribution of California red-legged frog habitat,
- Locations within the geographical area occupied at the time of listing that contain features essential to the conservation of the subspecies that we should include in the designation and why, and

• Locations not within the geographical area occupied at the time of listing that are essential to the conservation of the subspecies and why.

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed revised critical habitat.

(4) Probable economic, national security, or other impacts of designating particular areas as critical habitat. We are particularly interested in any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts.

(5) The potential exclusion of non-Federal lands covered by the East Contra Costa County Habitat Conservation Plan (ECCHCP) from final revised critical habitat, and whether such exclusion is appropriate and why.

(6) The potential exclusion of non-Federal lands owned and managed by the East Bay Regional Park District within the boundaries of the ECCHCP from final revised critical habitat, and whether such exclusion is appropriate and why.

(7) The potential exclusion of non-Federal lands covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) from final revised critical habitat, and whether such exclusion is appropriate and why.

(8) The potential exclusion of non-Federal lands covered by the Bonny Doon Settlement Ponds Habitat Conservation Plan from final revised critical habitat, and whether such exclusion is appropriate and why.

(9) Whether the lands proposed as critical habitat on Department of Defense land at Vandenberg Air Force Base in Santa Barbara County and Camp San Luis Obispo in San Luis Obispo County should be exempted under section 4(a)(3) of the Act or excluded under section 4(b)(2) of the Act and why.

(10) Whether the U.S. Forest Service lands managed under the Sierra Nevada Forest Plan Amendment within the units being proposed as critical habitat should be excluded and why under section 4(b)(2) of the Act.

(11) Whether Unit CAL–1 (Young's Creek) in Calaveras County should be excluded and why under section 4(b)(2) of the Act.

(12) Whether changes made to the proposed critical habitat Unit MEN–1 in Mendocino County appropriately reflect the current knowledge of the subspecies distribution and occurrence within the area and whether that area should be designated as critical habitat.

(13) Whether there are areas we previously designated, but did not include in our proposed revision to critical habitat, that should be designated as critical habitat.

(14) Information on the extent to which any Federal, State, and local environmental protection measures we reference in the DEA were adopted largely as a result of the subspecies' listing.

(15) Information on whether the DEA identifies all Federal, State, and local costs and benefits attributable to the proposed revision of critical habitat, and information on any costs or benefits that we may have overlooked.

(16) Information on whether the DEA makes appropriate assumptions regarding current practices and any regulatory changes that likely may occur if we designate revised critical habitat.

(17) Information on whether the DEA correctly assesses the effect on regional costs associated with any land use controls that may result from the revised designation of critical habitat.

(18) Information on areas that the revised critical habitat designation could potentially impact to a disproportionate degree.

(19) Information on whether the DEA identifies all costs that could result from the proposed revised designation.

(20) Information on any quantifiable economic benefits of the revised designation.

(21) Whether the benefits of excluding any particular area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(22) Economic data on the incremental costs of designating a particular area as revised critical habitat.

(23) Whether we could improve or modify our approach to designating critical habitat to provide for greater public participation and understanding, or assist us in accommodating public concerns and comments.

(24) Any foreseeable impacts on energy supplies, distribution, and use resulting from the proposed designation and, in particular, any impacts on electricity production, and the benefits of including or excluding areas that exhibit these impacts.

If you submitted comments or information on the proposed revised rule (73 FR 53492) during the initial comment period from September 16, 2008, to November 17, 2008, please do not resubmit them. These comments are included in the public record for this rulemaking and we will fully consider them in the preparation of our final determination. Our final determination concerning revised critical habitat will take into consideration all written comments and any additional information we receive during both comment periods. On the basis of public comments, we may, during the development of our final determination, find that areas within those proposed do not meet the definition of critical habitat, that some modifications to the described boundaries are appropriate, or that areas are appropriate for exclusion under section 4(b)(2) of the Act.

You may submit your comments and materials concerning the proposed revised rule or DEA 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 any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment 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 proposed revised rule, 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, Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

You may obtain copies of the original proposed revision of critical habitat and the DEA on the Internet at *http://www.regulations.gov,* on the Sacramento Fish and Wildlife Office web page at *http://www.fws.gov/sacramento,* or by contacting the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

For more information on previous Federal actions concerning the California red-legged frog, refer to the proposed revised designation of critical habitat published in the **Federal Register** on September 16, 2008 (73 FR 53492). On December 12, 2007, the Center for Biological Diversity filed a complaint in the U.S. District Court for the Northern District of California challenging our designation of critical habitat for the California red-legged frog (*Center for Biological Diversity* v. *Kempthorne, et al.,* Case No. C–07–6404–WHA). On April 2, 2008, the court entered a consent decree requiring a proposed revised critical habitat rule to

be submitted to the **Federal Register** by August 29, 2008, and a final revised critical habitat designation to be submitted to the **Federal Register** by August 31, 2009.

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting areas designated as critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Under section 4(b)(2) of the Act, we may exclude an area from critical habitat if we determine that the benefits of such exclusion outweigh the benefits of including that particular area as critical habitat, unless failure to designate that specific area as critical habitat will result in the extinction of the species. In making a decision to exclude areas, we consider the economic impact, impact on national security, or any other relevant impact of the designation.

Change in Nomenclature

Until recently the red-legged frog was recognized as two conspecific subspecies, *Rana aurora aurora* and *Rana aurora draytonii.* Recent genetic analysis of the *Rana aurora/draytonii* complex has concluded that the two *Rana aurora* subspecies are in fact separate species (Shaffer *et al.* 2004, pp. 2667–2677, Frost *et al.* 2006, p. 370). Separate species status was originally proposed for *R. aurora* and *R. draytonii* by Baird & Girard (1852, pp. 174–177), but they were later reclassified as a single species with two subspecies (Camp 1917, pp. 115–125). Slater (1939, pp. 145–149) later recognized *R. cascadae* as a separate species more closely related to *R. aurora. R. draytonii* differs from *R. aurora,* the Northern red-legged frog, both physically and behaviorally. Adult *R. draytonii* tend to be larger and longer (35 to 40 millimeters (mm) (1.4 to 1.6 inches (in.)) than adult *R. aurora* (Hayes and Miyamoto 1984, pp. 1018–1022) and have dorsal spots with usually lighter centers (Stebbins 1951, p. 334). *R. draytonii* has paired vocal sacs and typically calls from the air, while *R. aurora* lacks vocal sacs and typically calls from underwater (Hayes and Krempels 1986, pp. 929–932; Licht 1969, p. 1290). Based on the genetic analysis by Shaffer *et al.* (2004), the herpetological community, academic and governmental researchers, and biologists have accepted the raise to species level and nomenclature change for the California red-legged frog. As a result, we are proposing to make a nomenclature change to the California red-legged frog from *Rana aurora draytonii* to *Rana draytonii* and have included those proposed changes in the regulatory section of this rule to be published in the Code of Federal Regulations when this rule is made final. For the purposes of this document, however, we will use the subspecies designation.

Changes to Proposed Revised Critical Habitat

In this document we are proposing revisions to the area of proposed revised critical habitat in Unit MEN–1 in Mendocino County as described in the September 16, 2008, revised proposed rule (73 FR 53492). This revision involves adjusting the boundaries of the proposed revised critical habitat to better reflect new subspecies occurrence data within the area and the habitat surrounding those records. The original revised proposal used information from the California Natural Diversity Database (CNDDB), which identified a grouping of California red-legged frog occurrence records in the Greenwood Creek watershed. Based on new genetic information, these records have been identified as *Rana aurora aurora* or as containing a greater proportion of *R. aurora aurora* genetic characteristics than those records identified south of Mills Creek. As a result we are proposing to revise the revised critical habitat for MEN–1 to include those areas where the records south of Mills Creek are of either pure *R. aurora draytonii* or of frogs with a greater proportion of *R. aurora draytonii* genetic characteristics. Revised unit and boundary descriptions and a revised map for the proposed critical habitat Unit MEN–1 are included with this notice.

MEN–1, Mills Creek (26,875 ac (10,876 ha))

This unit is located along the coast north and west of Manchester, California, including the majority of the Mills Creek watershed in Mendocino County. MEN–1 contains aquatic habitat for breeding and non-breeding activities (PCE 1 and PCE 2), and upland habitat for foraging and dispersal activities (PCE 3 and PCE 4). The records within the unit were identified subsequent to listing as northern Mendocino County was thought to be outside the known range of the subspecies. Subsequent genetic research has identified the subspecies in Mendocino County (Shaffer *et al.* 2004, p. 2676). This unit is currently occupied and contains the following essential features: permanent and ephemeral aquatic habitats consisting of streams and natural and man-made ponds surrounded by emergent vegetation and marshland with upland comprised of forested timber that provides for breeding and upland areas for dispersal, shelter, and foraging. The unit also contains freshwater pond and stream habitats associated with upland dune complexes near the coast. Additionally, the unit represents the northernmost extent of the subspecies range along the coast of California and may be genetically significant to the subspecies (Shaffer *et al.* 2004, p. 2676). The essential features in this unit may require special management considerations or protection due to land management activities, which may alter aquatic and upland habitats and thereby result in the predation and desiccation of egg masses or direct death of adults. The unit consists of approximately 86 acres (ac) (35 hectares (ha)) of Federal land, 296 ac (120 ha) of State land, 92 ac (37 ha) of Tribal land, and 26,400 ac (10,683 ha) of private land.

Draft Economic Analysis

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We have prepared a draft economic analysis of our September 16, 2008 (73 FR 53492), proposed revised rule to designate critical habitat for the California red-legged frog.

The intent of the DEA is to identify and analyze the potential economic impacts associated with the proposed revised critical habitat designation for the California red-legged frog. Additionally, the economic analysis looks retrospectively at costs incurred since the May 23, 1996 (61 FR 25813), listing of the California red-legged frog as threatened. The DEA quantifies the economic impacts of all potential conservation efforts for the California

red-legged frog; some of these costs will likely be incurred regardless of whether we designate revised critical habitat. The economic impact of the proposed revised critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, considering protections already in place for the species (for example, under the Federal listing and other Federal, State, and local regulations). The baseline, therefore, represents the costs incurred regardless of whether critical habitat is designated. The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those not expected to occur absent the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat above and beyond the baseline costs; these are the costs we may consider in the final designation of critical habitat. The analysis looks retrospectively at baseline impacts incurred since the species was listed, and forecasts both baseline and incremental impacts likely to occur if we finalize the proposed revised critical habitat.

The DEA estimates the foreseeable economic impacts of the proposed revised critical habitat designation. The economic analysis identifies potential incremental costs as a result of the proposed revised critical habitat designation; these are those costs attributed to critical habitat over and above those baseline costs coextensive with listing. The DEA describes economic impacts of California red-legged frog conservation efforts associated with the following categories of activity: (1) Residential and Commercial Development; (2) Water Management; (3) Agriculture; (4) Ranching/Grazing; (5) Timber Harvest; (6) Transportation; (7) Fire Management; (8) Utility and Oil and Gas Pipeline Construction and Maintenance; and (9) Habitat and Vegetation Management.

The baseline economic impacts are those impacts that result from listing and other conservation efforts for the California red-legged frog. Conservation efforts related to development activities constitute the majority of total baseline costs (approximately 72 to 73 percent) in areas of proposed revised critical habitat. Impacts to agriculture make up the majority of the remainder of the costs associated with the proposed revised designation. The total future baseline impacts are estimated to be $2.38 billion to $2.50 billion ($180 million to $188 million on an annualized basis), assuming a 3 percent discount rate, or $1.65 billion to $1.74 billion ($152 million to $160 million on an annualized basis), assuming a 7 percent discount rate, through the year 2030.

The majority of incremental impacts attributed to the proposed revised critical habitat designation are expected to be related to development (approximately 78 percent) followed by agricultural impacts (approximately 22 percent). Impacts to all other activities represent less than one percent of the total incremental impacts. The DEA estimates total potential incremental economic impacts in areas proposed as revised critical habitat over the next 22 years (2009 to 2030) to be $1.04 billion to $1.10 billion ($93.7 million to $97.9 million annualized) in present value terms using a 3 percent discount rate, and $721 million to $767 million ($67.9 to $72.0 million annualized) in present value terms using a 7 percent discount rate.

The DEA considers both economic efficiency and distributional effects. In the case of habitat conservation, efficiency effects generally reflect the ''opportunity costs'' associated with the commitment of resources to comply with habitat protection measures (*e.g.,* lost economic opportunities associated with restrictions on land use). The DEA also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. The DEA measures lost economic efficiency associated with residential and commercial development and public projects and activities, such as economic impacts on water management and transportation projects, Federal lands, small entities, and the energy industry. Decision-makers can use this information to assess whether the effects of the revised designation might unduly burden a particular group or economic sector.

As we stated earlier, we are soliciting data and comments from the public on the DEA, as well as on all aspects of the proposed revised critical habitat rule and our amended required determinations. The final revised critical habitat rule may differ from the proposed revised rule based on new information we receive during the public comment periods. 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 the exclusion will not result in the extinction of the subspecies.

Required Determinations—Amended

In our proposed rule dated September 16, 2008 (73 FR 53492), we indicated that we would defer our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders became available in the DEA. We have now made use of the DEA to make these determinations. In this document, we affirm the information in our proposed rule concerning Executive Order (E.O.) 13132, E.O. 12988, the Paperwork Reduction Act, the National Environmental Policy Act, and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951). However, based on the DEA data, we revised our required determinations concerning E.O. 12866 and the Regulatory Flexibility Act, E.O. 13211 (Energy, Supply, Distribution, and Use), the Unfunded Mandates Reform Act, and E.O. 12630 (Takings).

Regulatory Planning and Review (E.O. 12866)

The Office of Management and Budget (OMB) has determined that this proposed rule is not significant and has not reviewed this proposed rule under Executive Order 12866 (E.O. 12866). OMB bases its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 802(2)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available

for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Based on our DEA of the proposed revised designation, we provide our analysis for determining whether the proposed rule would result in a significant economic impact on a substantial number of small entities. Based on comments we receive, we may revise this determination as part of a final rulemaking.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

To determine if the proposed revised designation of critical habitat for the California red-legged frog would affect a substantial number of small entities, we consider the number of small entities affected within particular types of economic activities, such as residential and commercial development. In order to determine whether it is appropriate for our agency to certify that this rule would not have a significant economic impact on a substantial number of small entities, we considered each industry or category individually. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement.

Designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. Some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation. In areas where the species is present, Federal agencies already are required to consult with us under section 7 of the Act on activities they fund, permit, or implement that may affect the California red-legged frog. Federal agencies also must consult with us if their activities may affect critical habitat.

In the DEA of the proposed revision to critical habitat, we evaluate the potential economic effects on small business entities resulting from implementation of conservation actions related to the proposed revision to critical habitat for the California red-legged frog. The DEA identifies the estimated incremental impacts associated with the proposed rulemaking as described in Chapters 4 through 13 of the DEA, and evaluates the potential for economic impacts related to activity categories including urban development, water management, agriculture, grazing and ranching, timber harvest activities, transportation, utility pipeline construction and maintenance, fire management activities, and habitat management. The DEA concludes that the incremental impacts resulting from this rulemaking that may be borne by small businesses will be associated with urban development and agriculture. Incremental impacts are either not expected for the other types of activities considered or, if expected, will not be borne by small entities.

As discussed in Appendix A of the DEA, the largest impacts of the proposed rule on small businesses would result from section 7 consultations with the Service on development projects not subject to an existing habitat conservation plan. The analysis assumes full build out of all acres identified as likely to be developed (as defined in Chapter 4 of the DEA) within the next 22 years. The DEA (exhibit 4–5) identifies approximately 2,226 ac (860 ha) of potentially developable land attributable to the designation of critical habitat (incremental impact). Assuming an 100-acre (40-hectare) average development size, this yields approximately 22 development projects over the next 22 years, or approximately 1 project annually. The analysis also assumes that one developer is required per development project, and that all of these developers are small businesses. As a result, the incremental impact due to critical habitat is estimated to range from $25 to $27 million at a 7 percent discount rate per small business developer over the next 22 years. We realize that this may be on overestimation of real costs because of the assumptions involved.

The incremental costs attributed to agriculture are explained in Chapter 6 of the DEA. As described in Chapter 6, a stipulated injunction issued by the U.S. District Court for the Northern District of California will restrict pesticide application in designated critical habitat. The analysis assumes that the affected lands will be taken out of production; to the extent that there are alternative beneficial uses of agricultural land (*e.g.,* organic farming or grazing), this analysis may overstate future economic impacts. To estimate the potential incremental impact on small farmers, the total cropland value by county (assumed to be taken out of production) was divided by the number of small farmers to estimate per-farm impacts. According to the DEA, the designation of critical habitat would affect 499 farms over the next 22 years. Total impacts are anticipated to range between $156 and $169 million, or $313,000 to $338,000 per farm. Exhibit A–4 presents impacts by county, per small business farmer.

In summary, we have considered whether the proposed rule would result in a significant economic impact on a substantial number of small entities. As a result of the uncertainty that exists regarding both the numbers of entities that may be impacted by the proposed rule and the degree of impact on individual entities, we have developed an Initial Regulatory Flexibility Analysis (IRFA) (DEA Appendix A). However, due to the number of uncertainties identified in the DEA, we have prepared this IRFA without first making the threshold determination of whether the proposed critical habitat designation could be certified as not having a significant economic impact on a substantial number of small entities. This IRFA is intended to improve the Service's understanding of the effects of the proposed rule on small entities and to identify opportunities to minimize these impacts in the final rulemaking.

Executive Order 13211—Energy Supply, Distribution, and Use

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions that may affect the supply, distribution, and use of energy. This proposed revision to critical habitat for the California red-

legged frog is not considered a significant regulatory action under E.O. 12866. OMB's guidance for implementing this Executive Order outlines nine outcomes that may constitute ''a significant adverse effect'' when compared to no regulatory action. As highlighted in Chapter 10 (Exhibits 10–2 and 10–3), a number of oil and gas companies own and operate pipelines that pass through the study area, and Waste Management and the Linde Group plan to build the world's largest landfill gas plant in ALA–2. However, the incremental impact to these entities over the next 22 years is solely attributable to the costs of section 7 consultation and no measurable impacts to the quantity or cost of energy production and distribution are likely to result from the designation of critical habitat (such as a reduction in electricity production or an increase in the cost of energy production or distribution), and a Statement of Energy Effects is not required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), the Service makes the following findings:

(a) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments,'' with two exceptions. It excludes ''a condition of federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program.''

Critical habitat designation does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. Designation of critical habitat may indirectly impact non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action that may destroy or adversely modify critical habitat. However, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above on to State governments.

(b) We do not believe that this rule would significantly or uniquely affect small governments because it would not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The DEA concludes incremental impacts may occur due to project modifications that may need to be made for development and Tribal activities; however, these are not expected to affect small governments as the costs attributed to development is limited to private lands and not those owned by local governments. Consequently, we do not believe that the revised critical habitat designation would significantly or uniquely affect small government entities. As such, a Small Government Agency Plan is not required.

Executive Order 12630—Takings

In accordance with E.O. 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of proposing revised critical habitat for the California red-legged frog in a takings implications assessment. Our takings implications assessment concludes that the proposed revision to critical habitat for the California red-legged frog does not pose significant takings implications.

References Cited

A complete list of all references we cited in the proposed rule and in this document is available on the Internet at *http://www.regulations.gov* or by contacting the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section).

Authors

The primary authors of this rulemaking are the staff members of the Sacramento Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons outlined in the preamble, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h) revise the entry for ''Frog, California red-legged,'' under ''AMPHIBIANS,'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
AMPHIBIANS							

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
Frog, California red-legged.	*Rana draytonii*	U.S.A. (CA), Mexico	Entire	T	583	17.95(d)	17.43
*	*	*	*	*	*	*	

3. Section 17.95, as proposed to be revised on September 16, 2008 (73 FR 53492), is proposed to be further amended, as follows:

A. In paragraph (a), in the Critical habitat for the California red-legged frog, by removing the scientific name ''*Rana aurora draytonii*'', and adding the scientific name ''*Rana draytonii*'' in its place, and

B. Revising paragraph (d)(13) as set forth below.

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(d) *Amphibians.*

* * * * *

California Red-Legged Frog (*Rana draytonii*)

* * * * *

(13) Unit MEN–1: Mendocino County, California. From USGS 1:24,000 scale quadrangles Cold Spring, Eureka Hill, Mallo Pass Creek, and Point Arena.

(i) Land bounded by the following UTM zone 10, NAD 1983 coordinates (E, N): 443694, 4322801; 443753, 4322799; 443831, 4322807; 443933, 4322804; 444066, 4322760; 444270, 4322717; 444325, 4322702; 444354, 4322595; 444390, 4322528; 444430, 4322489; 444537, 4322433; 444586, 4322394; 444667, 4322308; 444693, 4322290; 444746, 4322240; 444777, 4322201; 444798, 4322163; 444833, 4322075; 444853, 4322034; 444868, 4322015; 444911, 4322014; 444968, 4322006; 445006, 4321980; 445064, 4321914; 445106, 4321838; 445118, 4321807; 445145, 4321758; 445175, 4321748; 445262, 4321770; 445287, 4321757; 445312, 4321722; 445366, 4321682; 445394, 4321656; 445450, 4321612; 445479, 4321569; 445486, 4321525; 445506, 4321495; 445544, 4321448; 445567, 4321433; 445609, 4321438; 445667, 4321438; 445710, 4321415; 445722, 4321383; 445739, 4321353; 445886, 4321304; 445966, 4321295; 446016, 4321260; 446038, 4321224; 446070, 4321112; 446087, 4321091; 446117, 4321029; 446144, 4320941; 446193, 4320761; 446221, 4320736; 446274, 4320697; 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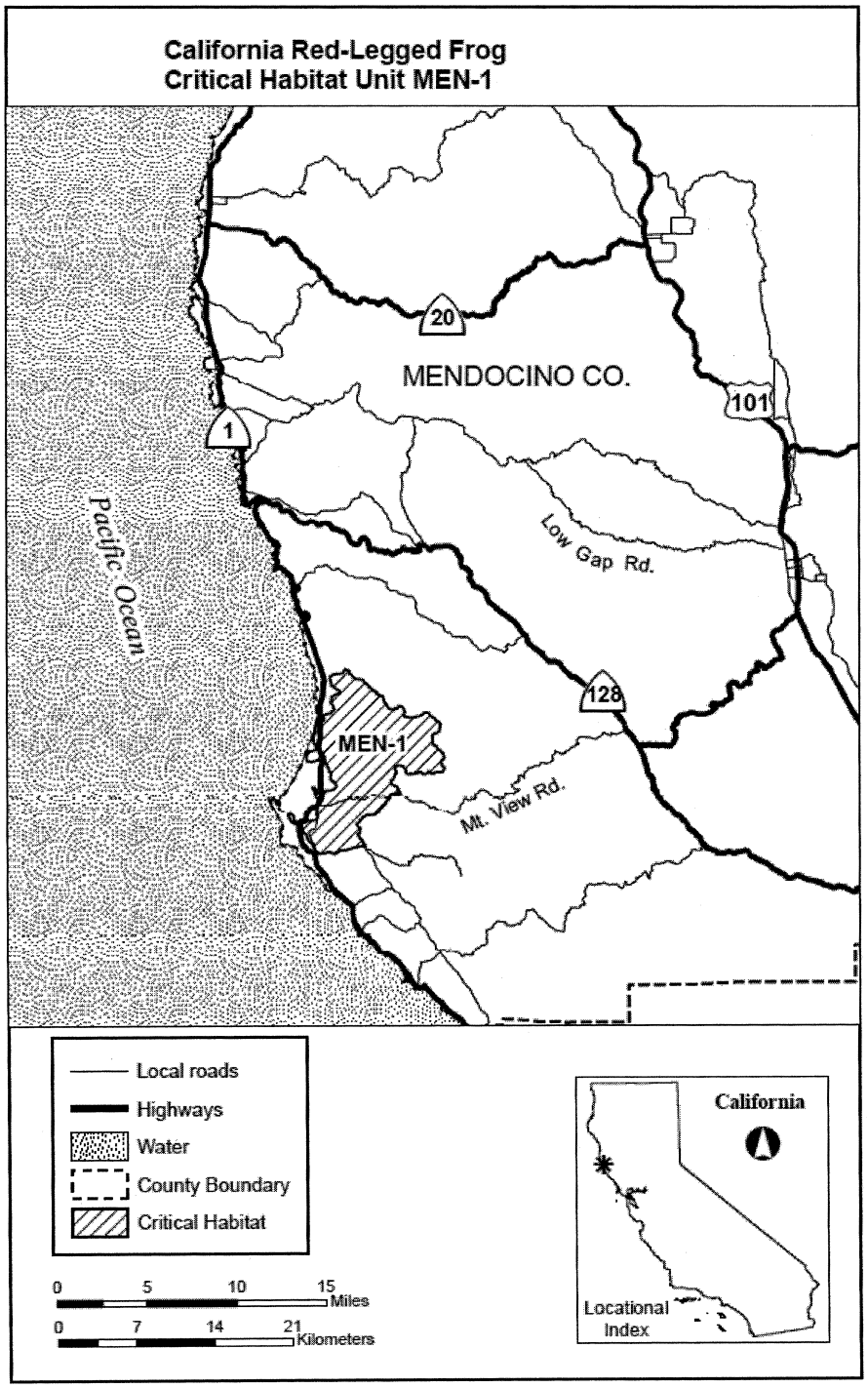
(ii) *Note:* Map of Unit MEN–1 for the California red-legged frog follows:

BILLING CODE 4310–55–P



Dated: April 12, 2009.

Will Shafroth,

Acting Assistant Secretary, Department of the Interior.

[FR Doc. E9–9141 Filed 4–27–09; 8:45 am]

BILLING CODE 4310–55–C

Notices

Federal Register
Vol. 74, No. 80
Tuesday, April 28, 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

Notice of Request for an Extension for and Revision to a Currently Approved Information Collection

AGENCY: Departmental Administration, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Department of Agriculture's Office of Security Services' intention to request an extension for and revision to a currently approved information collection for USDA Personal Identity Verification (PIV) Request for Credential, the USDA program implementing the provisions of Homeland Security Presidential Directive 12 (HSPD–12). HSPD–12 establishes a mandatory, Government-wide standard for secure and reliable forms of identification (credentials) issued by the Federal Government to its Federal Employees, other applicable individuals, and contractors. The Office of Management and Budget (OMB) mandated that these credentials be issued to all Federal Government employees, contractors, and other applicable individuals who require long-term access to federally controlled facilities and/or information systems. The HSPD–12 compliant program is jointly owned and administered by USDA through the Office of the Chief Information Officer (OCIO) and Departmental Administration (DA).

DATES: Comments on this notice must be received by June 24, 2009 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Please submit comments or requests for information to Richard Holman, Chief, Physical Security Division, Office of Security Services, USDA, Room 101, Reporter's Agriculture Building, 300 7th Street, SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION:

Title: USDA PIV Request for Credential.

OMB Number: 0505–0022.

Expiration Date of Approval: June 30, 2009.

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

Abstract: The HSPD–12 information collection consists of two phases of implementation: Personal Identity Verification phase I (PIV I) and Personal Identity Verification phase II (PIV II). The information requested must be provided by Federal employees, contractors, and other applicable individuals when applying for a USDA credential (identification card). This information collection is necessary to comply with the requirements outlined in Homeland Security Presidential Directive (HSPD) 12, and Federal Information Processing Standard (FIPS) 201, Personal Identity Verification (PIV) Phases I & II. USDA must implement an identity proofing, registration, and issuance process consistent with the requirements outlined in FIPS 201. Previously, this information collection form was required as part of USDA's PIV I identity proofing and registration process. For PIV II, implemented after 10/27/06, form AD 1197 has been eliminated and the identity process has been streamlined with the addition of a Web-based HSPD–12 system. As USDA has entered Phase II (PIV II) of the HSPD–12 program, one estimate of burden is calculated and one process description is included.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.5 hours for PIV II. The Burden is estimated based on the three prerequisites for PIV Credential issuance as well as the receipt of the PIV Credential itself.

Respondents: For PIV I, new long term employees, contractors, and other applicable individuals must undergo the information collection process. For PIV II, long term contractors, other applicable individuals, and employees must undergo the information collection process. Existing contractors/employees/other applicable individuals must undergo the process to receive a PIV Credential.

Estimated Number of Respondents: Estimated Annual (this year only) Number of Respondents: PIV II respondents: 65,000. By October 2009, Annual Number of Respondents decreases to approximately 13,000.

Estimated Number of Responses per Respondent: Each respondent should complete one response.

Estimated Total One-Time Burden on Respondents: PIV II: 227,500 hours. By October 2009, Estimated Total Annual Burden on Respondents: 45,500 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Richard Holman. All comments received will be available for public inspection during regular business hours at the same address.

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.

Signed: April 21, 2009.

W.R. Ashworth,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. E9–9594 Filed 4–27–09; 8:45 am]

BILLING CODE 3410–96–P

DEPARTMENT OF AGRICULTURE

Forest Service

Alpine, Black Mesa, Clifton, and Lakeside Ranger Districts of the Apache-Sitgreaves National Forests, Mogollon Rim and Red Rock Ranger Districts of the Coconino National Forest and Verde Ranger District of the Prescott National Forest; Show Low South Land Exchange

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service, USDA will prepare an environmental impact statement (EIS) on a proposal to exchange approximately 1,028 acres of Federal lands for approximately 1,555 acres of non-Federal lands. The EIS will analyze the proposed exchange of the Federal lands described as Sierra Blanca Ranch Adjustment, City of Show Low, Show Low South, and Soda Springs Ranch Adjustment parcels for the non-Federal lands described as Sierra Blanca Ranch, Sprucedale, Alder Peak, Juan Miller, Leonard Canyon, Soda Springs Ranch, Cherry, Sponseller Ranch, and Railroad parcels. The Federal and non-Federal lands proposed for exchange are located in Apache, Coconino, Greenlee, Navajo, and Yavapai Counties, Arizona. The affected Forest Service units are the Alpine, Black Mesa, Clifton, and Lakeside Ranger Districts of the Apache-Sitgreaves National Forests, the Mogollon Rim and Red Rock Ranger Districts of the Coconino National Forest, and the Verde Ranger District of the Prescott National Forest. The exchange would occur with First American Title Insurance Company, Trustee, under Trust 8667, on behalf of SL Land Exchange, LLC. Implementation of the proposed exchange is scheduled for May 2010. The Apache-Sitgreaves National Forest Supervisor invites the public to submit comments on the proposal and suggestions on the scope of the proposed exchange. The Forest Supervisor also invites the public to participate in the environmental analysis and decision-making process for the proposed exchange of lands.

DATES: Comments concerning the scope of the analysis must be received 30 days from date of publication in the **Federal Register**. The draft environmental impact statement is expected January 2010 and the final environmental impact statement is expected March 2010.

ADDRESSES: Send written comments to Bruce Buttrey, Natural Resources Specialist, Springerville Ranger District, Apache-Sitgreaves National Forest, c/o EnviroSystems Management, Inc, 23 East Fine Avenue, Flagstaff, Arizona 86001. Comments may also be sent via e-mail to *comments-southwestern-apache-sitgreaves@fs.fed.us*, or via facsimile to (928) 333–4182.

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: Bruce Buttrey, Natural Resource Specialist, at *bbuttrey@fs.fed.us* or (928) 331–4372.

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 proposal to exchange lands in the Apache-Sitgreaves, Coconino, and Prescott National Forests responds to the Forest Service's need for consolidation of Federal land ownership patterns and the need to enhance management of the public's natural resources. There is a need to acquire lands that (1) protect habitat for several threatened, endangered, and sensitive species, (2) facilitate public access to Federal lands, (3) improve wetlands, floodplains, and riparian areas, (4) decrease the complexity of maintaining property boundaries, and (5) improve the efficiency of resource management by focusing the Forest's funding and staff on consolidated ownerships.

Proposed Action

The Forest Supervisor proposes to exchange approximately 1,028 acres of Federal lands for approximately 1,555 acres of non-Federal lands. The Federal lands proposed for exchange are located in Apache, Navajo, and Yavapai Counties, Arizona; the non-Federal lands proposed for exchange are located in Apache, Coconino, Greenlee, Navajo, and Yavapai Counties, Arizona. The affected Forest Service units are the Alpine, Black Mesa, Clifton, and Lakeside Ranger Districts of the Apache-Sitgreaves National Forests, the Mogollon Rim and Red Rock Ranger Districts of the Coconino National Forest, and the Verde Ranger District of the Prescott National Forest. All acreages in this proposal are approximate. The United States of America would convey fee title to First American Title Insurance Company, Trustee, under Trust 8667 for the approximate acreages of the 2-acre Sierra Blanca Ranch Adjustment Parcel in the Apache National Forest; the 70-acre City of Show Low Parcel and the 948-acre Show Low South Parcel in the Sitgreaves National Forest; and the 8-acre Soda Springs Ranch Adjustment Parcel in the Coconino National Forest. First American Title Insurance Company, Trustee, under Trust 8667 would convey fee title to the United States of America for the approximate acreages of the 152-acre Sierra Black Ranch Parcel, 70-acre Sprucedale Parcel, 160-acre Alder Peak Parcel, and 120-acre Juan Miller Parcel in the Apache National Forest; the 118-acre Sponseller Parcel and 22-acre Railroad Parcel in the Sitgreaves National Forest; the 640.00 acre Leonard Canyon Parcel and 157-acre Soda Springs Ranch Parcel in the Coconino National Forest; and the 117-acre Cherry Parcel in the Prescott National Forest. The proposed exchange of lands does not require an amendment to the Apache-Sitgreaves National Forests Land and Resource Management Plan. Pursuant to the regulations for land exchanges (36 CFR 254.3(f)): ''Lands acquired by exchange that are located within areas having an administrative designation established through the land management planning process shall automatically become part of the area within which they are located, without further action by the Forest Service, and shall be managed in accordance with the laws, rules, and regulations, and land and resource management plan applicable to such area.''

Possible Alternatives

A full range of alternatives to the proposed action, including a no-action alternative, will be considered during the environmental analysis and will be discussed in the EIS. The no-action alternative represents no change from the current pattern of land ownership, and it serves as the baseline for the comparison among the action alternatives.

Responsible Official

The Responsible Official is the Forest Supervisor, Apache-Sitgreaves National Forests. He will review all issues, alternatives, and environmental consequences associated with the analysis; consider all public comments and response; and comply with all policies, regulations, and laws in making a decision regarding the proposed exchange of lands

documented in the final EIS for the Show Low South Land Exchange. The Responsible Official will document his decision and rationale for the decision in a Record of Decision (ROD). His decision will be subject to public notice, review, comment, and appeal under the Forest Service Regulations for Notice, Comment, and Appeal Procedures for National Forest System projects and Activities at 36 CFR part 215.

Nature of Decision To Be Made

The Forest Service will determine if the lands to be exchanged are desirable, in the public interest, and suitable for inclusion in the National Forest System. Land exchanges are discretionary, voluntary real estate transactions between the Federal and non-Federal parties.

The exchange can only be completed after the authorized officer determines that the exchanges meets the requirements at 36 CFR 254.3(b): (1) The resource values and the public objectives served by non-Federal lands and interests to be acquired are equal to or exceed the resource values and public objectives served by the Federal lands to be disposed, and (2) the intended use of the disposed Federal lands will not substantially conflict with established management objectives on adjacent Federal lands, including Indian Trust Lands. Lands will be exchanged on a value for value basis, based on current fair market value appraisals. The appraisal is prepared in accordance with the Uniform Appraisal Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition. The appraisal prepared for the land exchange is reviewed by a qualified review appraiser to ensure that it is fair and complies with the appropriate standards. Under the Federal Land Policy and Management Act of 1976, all exchanges must be equal in value. Forest Service regulations at 36 CFR 254.3 require that exchanges must be of equal value or equalized pursuant to 36 CFR 254.12 by cash payment after making all reasonable efforts to equalize values by deleting lands. If lands proposed for exchange are not equal in value, either party may make them equal by cash payment not to exceed 25 percent of the Federal land value. A value consultation by the Regional Appraiser, November 25, 2008 concluded that it appears that the exchange is structured with flexibility to comply with the equal value requirement of the Federal Land Policy Management Act (FLMPA), as amended.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Scoping will include notice in the Apache-Sitgreaves National Forests' Quarterly Schedule of Proposed Actions; distribution of letters to individuals, organizations, and agencies who have previously indicated interest in the Show Low South Land Exchange; communication with Tribal interests; and publication of news releases in the White Mountain Independent and The Arizona Republic, the newspaper of record, for Regional Forester decisions for the Apache-Sitgreaves National Forests. Any news releases will also be distributed to other local newspapers that serve areas affected by this proposal. A public meeting is scheduled for Tuesday, April 28, 2009, from 3 p.m. to 7 p.m. at the Show Low Library, 180 North 9th Street, Show Low, AZ 85901. This meeting and any future public meetings will have a notice of time and location provided to newspapers that serve areas affected by this proposal. The scoping process will include identifying any key issues and previously unknown potential environmental effects of the proposed action.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the 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: April 17, 2009.

Chris Knopp,

Forest Supervisor.

[FR Doc. E9–9617 Filed 4–27–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tri-County Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tri-County Resource Advisory Committee (RAC) will meet on Thursday, May 21, 2009, from 5 p.m. until 9 p.m., in Deer Lodge, Montana. The purpose of the meeting is to review funding proposals for Title II funding.

DATES: Thursday, May 21, 2009, from 5 p.m. until 9 p.m.

ADDRESSES: The meeting will be held at the USDA building located 1002 Hollenback Road, Deer Lodge, Montana (MT 59722).

FOR FURTHER INFORMATION CONTACT: Patty Bates, Committee Coordinator, Beaverhead-Deerlodge National Forest, 420 Barrett Road, Dillon, MT 59725 (406) 683–3979; e-mail *pbates@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Review of project proposals submitted for funding under Title II of the Secure Rural Schools Act; (2) recommendations to the Designated Federal Officer for funding levels; (3) review of next meeting purpose, location, and date; (4) and receive public comment. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: April 21, 2009.

M. Earl Stewart,

Designated Federal Official.

[FR Doc. E9–9616 Filed 4–27–09; 8:45 am]

BILLING CODE 3410–11–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be sent via e-mail to *Chad_A._Lallemand@omb.eop.gov* or fax to 202–395–7285. Copies of submission may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0514.

Form Number: N/A.

Title: USAID Regulation 1—Rules and Procedures Applicable to Commodity Transactions Financed by USAID (22 CFR part 201).

Type of Submission: Renewal of Information Collection.

Purpose: The U.S. Agency for International Development (USAID) finances transactions under Commodity

Import Programs and needs to assure that the transaction complies with applicable statutory and regulatory requirements. In order to assure compliance and request refund when appropriate, information is required from host country importers, suppliers receiving USAID funds, and banks making payments for USAID.

Annual Reporting Burden:
Respondents: 20.
Total Annual Responses: 40.
Total Annual Hours Requested: 20 hours.

Dated: April 16, 2009.

Sylvia Lankford,

Acting Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. E9–9472 Filed 4–27–09; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration (EDA).

Title: Comprehensive Economic Development Strategies and Planning Investments.

OMB Control Number: 0610–0093.

Form Number(s): None.

Type of Review: Regular submission.

Burden Hours: 35,880.

Number of Respondents: 521.

Average Hours per Response: 69.

Needs and Uses: In order to receive investment assistance under EDA's Public Works, Economic Adjustment, and most economic development Planning Programs, applicants must undertake a planning process that results in a Comprehensive Economic Development Strategy (CEDS). A CEDS also is a prerequisite for a region's designation by EDA as an Economic Development District (see 13 CFR parts 303, 305.2, and 307.2 of EDA's regulations). The CEDS planning process and resulting CEDS is designed to guide the economic growth of an area and provides a mechanism for coordinating the efforts of individuals, organizations, local governments, and private industry concerned with economic development. This collection of information is required to ensure that recipients of EDA funds understand and are able to comply with EDA's CEDS requirements.

Affected Public: State and local governments; Indian tribes; institutions of higher education; non-profit organizations; for-profit organizations; private individuals.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Sharon Mar, (202) 395–6466.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Sharon Mar, OMB Desk Officer, fax number (202) 395–5806, or *Sharon_Mar@omb.eop.gov.*

Dated: April 23, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–9615 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–933)

Antidumping Duty Order: Frontseating Service Valves from the People's Republic of China

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (''the Department'') and the International Trade Commission (''ITC''), the Department is issuing an antidumping duty order on frontseating service valves (''FSVs'') from the People's Republic of China (''PRC'').

EFFECTIVE DATE: April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Eugene Degnan at (202) 482–0414, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 2009, the Department published the final determination of sales at less than fair value of FSVs from the PRC. *See Frontseating Service Valves From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 74 FR 10886 (March 13, 2009) (''*Final Determination*'').

On March 18, 2009, Parker–Hannifin Corporation (''Petitioner'') submitted a comment alleging that the Department made a ministerial error in its calculation of the antidumping duty margin of respondent Zhejiang DunAn Hetian Metal Co., Ltd. (''DunAn''). Also on March 18, 2009, Zhejiang Sanhua Co., Ltd. (''Sanhua'') submitted a comment alleging that the Department made a ministerial error in the calculation of the antidumping duty margin of Sanhua. On March 23, 2009, Petitioner submitted a comment arguing that the error alleged by Sanhua is not a ministerial error. Also on March 23, 2009, DunAn submitted a comment arguing that the error alleged by Petitioner is not a ministerial error. On April 16, 2009, the Department determined that the allegations of ministerial errors by the Petitioner and Sanhua do not meet the requirements under section 735(e) of the Tariff Act of 1930, as amended (''the Act''), to be considered ministerial errors. *See* Memorandum to Wendy Frankel, ''Final Determination in the Antidumping Duty Investigation of Frontseating Service Valves from the People's Republic of China: Allegations of Ministerial Errors,'' dated April 16, 2009.

On April 21, 2009, the ITC notified the Department of its final determination pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of less–than-fair–value imports of FSVs from the PRC. *See* Letter from the ITC to the Secretary of Commerce, ''Notification of Final Affirmative Determination of Frontseating Service Valves from the People's Republic of China,'' Investigation No. 731–TA–1148 (April 21, 2009). Pursuant to section 736(a) of the Act, the Department is publishing an antidumping duty order on the subject merchandise.

Scope of the Order

The merchandise covered by this order is frontseating service valves, assembled or unassembled, complete or incomplete, and certain parts thereof. Frontseating service valves contain a sealing surface on the front side of the valve stem that allows the indoor unit or outdoor unit to be isolated from the refrigerant stream when the air

conditioning or refrigeration unit is being serviced. Frontseating service valves rely on an elastomer seal when the stem cap is removed for servicing and the stem cap metal to metal seat to create this seal to the atmosphere during normal operation.[1]

For purposes of the scope, the term ''unassembled'' frontseating service valve means a brazed subassembly requiring any one or more of the following processes: the insertion of a valve core pin, the insertion of a valve stem and/or O ring, the application or installation of a stem cap, charge port cap or tube dust cap. The term ''complete'' frontseating service valve means a product sold ready for installation into an air conditioning or refrigeration unit. The term ''incomplete'' frontseating service valve means a product that when sold is in multiple pieces, sections, subassemblies or components and is incapable of being installed into an air conditioning or refrigeration unit as a single, unified valve without further assembly.

The major parts or components of frontseating service valves intended to be covered by the scope under the term ''certain parts thereof'' are any brazed subassembly consisting of any two or more of the following components: a valve body, field connection tube, factory connection tube or valve charge port. The valve body is a rectangular block, or brass forging, machined to be hollow in the interior, with a generally square shaped seat (bottom of body). The field connection tube and factory connection tube consist of copper or other metallic tubing, cut to length, shaped and brazed to the valve body in order to create two ports, the factory connection tube and the field connection tube, each on opposite sides of the valve assembly body. The valve charge port is a service port via which a hose connection can be used to charge or evacuate the refrigerant medium or to monitor the system pressure for diagnostic purposes.

The scope includes frontseating service valves of any size, configuration, material composition or connection type. Frontseating service valves are classified under subheading 8481.80.1095, and also have been classified under subheading 8415.90.80.85, of the Harmonized Tariff Schedule of the United States (''HTSUS''). It is possible for frontseating service valves to be manufactured out of primary materials other than copper and brass, in which case they would be classified under HTSUS subheadings 8481.80.3040, 8481.80.3090, or 8481.80.5090. In addition, if unassembled or incomplete frontseating service valves are imported, the various parts or components would be classified under HTSUS subheadings 8481.90.1000, 8481.90.3000, or 8481.90.5000. The HTSUS subheadings are provided for convenience and customs purposes, but the written description of the scope of this proceeding is dispositive.

[1] The frontseating service valve differs from a backseating service valve in that a backseating service valve has two sealing surfaces on the valve stem. This difference typically incorporates a valve stem on a backseating service valve to be machined of steel, where a frontseating service valve has a brass stem. The backseating service valve dual stem seal (on the back side of the stem), creates a metal to metal seal when the valve is in the open position, thus, sealing the stem from the atmosphere.

Antidumping Duty Order

In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (''CBP'') to assess, upon further information from the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or the constructed export price) of the merchandise for all relevant entries of FSVs from the PRC. These antidumping duties will be assessed on all entries of FSVs entered, or withdrawn from the warehouse, for consumption on or after October 22, 2008, the date on which the Department published its notice of preliminary determination in the **Federal Register**. *See Frontseating Service Valves from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, and Postponement of Final Determination*, 73 FR 62952 (October 22, 2008) (''*Preliminary Determination*'').

Cash Deposits

On and after the date of publication of the ITC's notice of final determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties on this merchandise, cash deposits for the subject merchandise equal to the estimated weighted–average antidumping margins listed below.

Exporter/Producer Combination	Percent Margin
Exporter: Zhejiang Sanhua Co., Ltd.. Producer: Zhejiang Sanhua Co., Ltd. ..... Exporter: Zhejiang DunAn Hetian Metal Co., Ltd..	28.44
Producer: Zhejiang DunAn Hetian Metal Co., Ltd.	12.95
PRC–Wide Entity	55.62

This notice constitutes the antidumping duty order with respect to FSVs from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room 1117 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect. This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 22, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–9660 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–847, A–570–934]

1–Hydroxyethylidene–1, 1–Diphosphonic Acid from India and the People's Republic of China: Antidumping Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the Commission), the Department is issuing antidumping duty orders on 1–Hydroxyethylidene–1, 1–Diphosphonic Acid (HEDP) from India and the People's Republic of China (PRC). On April 17, 2009, the Commission notified the Department of its affirmative determination of threat of material injury to a U.S. industry. *See 1–Hydroxyethylidene–1, 1–Diphosphonic Acid from China and India* (Investigation Nos. 731–TA–1146 and 731–TA–1147 (Final), USITC Publication 4072, April 2009).

EFFECTIVE DATE: April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Brian C. Smith (India) or Shawn Higgins (PRC), AD/CVD Operations, Offices 2 and 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202)

482–1766 or (202) 482–0679, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 2009, the Department published its affirmative final determinations of sales at less–than-fair–value in the antidumping duty investigations of HEDP from India and the PRC. *See 1–Hydroxyethylidene–1, 1–Diphosphonic Acid from India: Notice of Final Determination of Sales at Less Than Fair Value*, 74 FR 10543 (March 11, 2009); and *1–Hydroxyethylidene–1, 1–Diphosphonic Acid from the People's Republic of China: Notice of Final Determination of Sales at Less Than Fair Value*, 74 FR 10545 (March 11, 2009).

On April 17, 2009, the Commission notified the Department of its final determination pursuant to section 735(d) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is threatened with material injury by reason of less–than-fair–value imports of HEDP from India and the PRC. *See* section 735(b)(1)(A)(ii) of the Act.

Scope of the Orders

The merchandise subject to these orders includes all grades of aqueous, acidic (non–neutralized) concentrations of 1–hydroxyethylidene–1, 1–diphosphonic acid,[1] also referred to as hydroxethlylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The CAS (Chemical Abstract Service) registry number for HEDP is 2809–21–4. The merchandise subject to these orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.00.9043. It may also enter under HTSUS subheading 2811.19.6090. While HTSUS subheadings are provided for convenience and customs purposes only, the written description of the scope of these orders is dispositive.

Antidumping Duty Orders

On April 17, 2009, in accordance with section 735(d) of the Act, the Commission notified the Department of its final determination that an industry in the United States is threatened with material injury within the meaning of section 735(b)(1)(A)(ii) of the Act by reason of less–than-fair–value imports of HEDP from India and the PRC.

In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of HEDP from India and the PRC.

Pursuant to section 736(b)(2) of the Act, duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the Commission's notice of final determination if that determination is based on the threat of material injury, other than threat of material injury described in section 736(b)(1) of the Act. Section 736(b)(1) states that ''{i}f the Commission, in its final determination under section 735(b), finds material injury or threat of material injury which, but for the suspension of liquidation under section 733(d)(2) would have led to a finding of material injury, then entries of the subject merchandise, the liquidation of which has been suspended under section 733(d)(2), shall be subject to the imposition of antidumping duties under section 731.'' In addition, section 736(b)(2) of the Act requires CBP to release any bond or other security, and refund any cash deposit made of estimated antidumping duties posted since the Department's preliminary antidumping duty determinations.

Because the Commission's final determination is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since the Department's preliminary determinations, section 736(b)(c) of the Act is applicable. According to section 736(b)(2) of the Act, duties shall only be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the Commission's notice of final determination. In addition, section 736(b)(2) of the Act requires CBP to refund any cash deposits or bonds of estimated antidumping duties posted since the preliminary antidumping determinations and prior to the Commission's notice of final determination.

Therefore, with the exception of HEDP manufactured and exported by Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory Ltd. (a company excluded from the PRC order), these antidumping duties will be assessed on all unliquidated entries of HEDP from India and the PRC entered, or withdrawn from warehouse, for consumption on or after April 23, 2009, the date of publication of the Commission's notice of final determination of threat of material injury in the **Federal Register**, in accordance with the following dumping margins.

Country	Manufacturer/Exporter	Weighted–Average Margin (percent)
India	Aquapharm Chemicals Private Limited	3.10
	All–Others	3.10
PRC	Changzhou Wujin Fine Chemical Factory Co., Ltd.[2]	36.21
	Jiangsu Jianghai Chemical Group Co., Ltd.[3]	36.21
	PRC–Wide Rate[4]	72.42

[2] Changzhou Wujin Fine Chemical Factory Co., Ltd. manufactures and exports subject merchandise.
[3] Jiangsu Jianghai Chemical Group Co., Ltd. manufactures and exports subject merchandise.
[4] The PRC-wide entity includes Changzhou Kewei Fine Chemical Factory.

On or after the date of publication of the Commission's notice of final determination in the **Federal Register**, CBP must require, pursuant to section 736(a)(3) of the Act, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated dumping margins listed above. The PRC–wide rate applies to all PRC exporters of subject merchandise not specifically listed.

The Department will also instruct CBP to terminate the suspension of liquidation for entries of HEDP from India and the PRC entered, or withdrawn from warehouse, for consumption prior to April 23, 2009,

[1] $C_2H_8O_7P_2$ or $C(CH_3)(OH)(PO_3H_2)_2$

and refund any cash deposits made and release any bonds posted between the publication of the Department's preliminary determinations[5] on October 18, 2008, and the publication of the Commission's final determination on April 23, 2009.

This notice constitutes the antidumping duty orders with respect to HEDP from India and the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room 1117 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 22, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–9679 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–DS–S

[5] *See 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from India: Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*,73 FR 62465 (October 21, 2008); and *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 62470 (October 21, 2008).

DEPARTMENT OF COMMERCE

International Trade Administration

A–580–816

Certain Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Amended Final Results of the Fourteenth Antidumping Duty Administrative Review

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

SUMMARY: On March 16, 2009, the Department of Commerce (the Department) published its final results of the fourteenth administrative review for certain corrosion–resistant carbon steel flat products (CORE) from the Republic of Korea (Korea) for the period from August 1, 2006, through July 31, 2007. We are amending our final results to correct ministerial errors made in the calculation of the dumping margins for Dongbu Steel Co., Ltd., (Dongbu), Hyundai HYSCO (HYSCO), and Pohang Iron & Steel Co., Ltd. (POSCO) and Pohang Coated Steel Co., Ltd. (POCOS) (collectively, the POSCO), pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, 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) 482–4161.

SUPPLEMENTARY INFORMATION:

Background

On March 16, 2009, the Department published its final results of the fourteenth administrative review for CORE from Korea for the period from August 1, 2006, through July 31, 2007. *See Certain Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of the Fourteenth Administrative Review and Partial Rescission*, 74 FR 11082 (March 16, 2009) (*Final Results*).

On March 17, 2009, pursuant to 19 CFR 351.224(c), United States Steel Corporation (U.S. Steel), POSCO, and HYSCO submitted comments alleging ministerial errors, and requested that the Department correct these alleged ministerial errors. On March 23, 2009, U.S. Steel and Nucor Corporation (Nucor) submitted responses to the ministerial error allegations made by HYSCO and POSCO.

On March 17, 2009, U.S. Steel alleged that, with respect to Dongbu, the Department inadvertently used the difference between the payment date and the date of sale as the credit period for the calculation of credit expense in the home market instead of using Dongbu's submitted customer–specific credit period. Further, U.S. Steel alleged that, with respect to HYSCO, the Department used the incorrect beginning and ending day for the period reviewed for calculation of the comparison market and margin programs.

On March 17, 2009, POSCO alleged that: 1) the Department did not use the whole month for the beginning and ending window period of the comparison market and margin programs; 2) the Department inadvertently included the variable for indirect selling expenses incurred in Korea on export sales (''DINDIRSU'') to be converted from Korean Won to U.S. Dollars, when DINDIRSU was reported in U.S. Dollars and did not need to be converted; and 3) the Department should have included negative dumping margins in the calculation of the weighted–average dumping margin, instead of applying the methodology which denies offsets for non–dumped sales.

On March 17, 2009, HYSCO alleged that the Department incorrectly applied an interest expense ratio based on the 2006 consolidated financial statement for calculation of the 2007 interest expense. HYSCO argued that there is information on the record that would allow the Department to calculate the actual interest expenses for fiscal year 2007. HYSCO also alleged that the Department did not make the full deductions of transportation expenses and ''other expenses'' in its calculation of the general and administrative (G&A) expense ratio for 2007.

On March 23, 2009, U.S. Steel and Nucor responded to POSCO's ministerial error allegations arguing: 1) that the Department intended to apply the zeroing methodology to POSCO's margin calculations, and that it is not a ministerial error, and 2) that the change of the window period in the comparison market and margin programs, and the change to the treatment of DINDIRSU will have no appreciable difference on the margin. Thus, the Department should not publish an amended Final Results.

On March 23, 2009, U.S. Steel also responded to HYSCO's ministerial error allegations. U.S. Steel argued that: 1) the Department intended to make changes to the G&A expense ratio by applying the 2006 movement expense ratio to total selling expenses, and to exclude the ''others'' category from the non–operating income, and thus, the changes are not ministerial errors; 2) the Department intended to apply the calculated ratio of long–term to short–term interest rates using 2006 data to the 2007 calculation of interest expenses, and thus, the changes are not ministerial errors; and 3) HYSCO's proposed changes are based on new factual information, not previously on the record of this proceeding.

On March 25, 2009, Union Steel Manufacturing Co., Ltd. filed a summons and complaint with the Court of International Trade (CIT) challenging various aspects of the *Final Results*.

Pursuant to 19 C.F.R. 351.224(e), due to the number of ministerial error allegations, and the number of submissions regarding the ministerial error allegations, the Department has not found it practicable to analyze comments received and correct any potential errors within 30 days of the publication of the *Final Results*.

Scope of the Order

This order covers cold–rolled (cold–reduced) carbon steel flat–rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion–resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron–based alloys, whether or not

corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this order are corrosion–resistant flat–rolled products of non–rectangular cross–section where such cross–section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'') – for example, products which have been beveled or rounded at the edges. Excluded from this order are flat–rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (terne plate), or both chromium and chromium oxides (tin–free steel), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this order are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this order are certain clad stainless flat–rolled products, which are three–layered corrosion–resistant carbon steel flat–rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat–rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

These HTSUS item numbers are provided for convenience and customs purposes. The written descriptions remain dispositive.

Amended Final Results of Review

After analyzing U.S. Steel's comments, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224, that the Department has made a ministerial error in the final results calculation for Dongbu in this administrative review. The Department has re–calculated Dongbu's credit expense using the customer–specific credit period, as reported by Dongbu. For a detailed discussion of the ministerial error, *see* ''Memorandum from James Terpstra to Melissa Skinner, re: Amended Final Results for the Fourteenth Administrative Review of the Antidumping Duty Order on Certain Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea (Period of Review: August 1, 2006, through July 31, 2007): Allegations of Ministerial Errors,'' dated April 20, 2009 (Ministerial Error memo); *see also* ''Memorandum from Christopher Hargett to James Terpstra, re: Amended Final Results in the 06/07 Administrative Review on Corrosion–Resistant Carbon Steel Flat Products from Korea: Calculation Memorandum for Dongbu Steel Co., Ltd.,'' dated April 20, 2009.

After analyzing POSCO's comments, we have determined that we erred by not beginning the window period on the first day of the month in question and not ending the window period on the last day of the month in question. Further, we agree that we incorrectly included DINDRSU to the list of variables to be converted from Korean Won to U.S. Dollars. We disagree with POSCO regarding the treatment of sales that may have occurred for which the export price (or constructed export price) exceeded normal value. The Department's treatment of any such sales that may have occurred was not a ministerial error.

The Department agrees with Nucor that the changes to the calculations of POSCO's margin in this administrative review do not result in a revised rate. Although the calculated rate for POSCO remains unchanged, the Department is making the aforementioned programming changes in accordance with the Department's practice. *See* Ministerial Error memo; *see also* ''Memorandum from Christopher Hargett to James Terpstra, re: Amended Final Results in the 06/07 Administrative Review on Corrosion–Resistant Carbon Steel Flat Products from Korea: Calculation Memorandum for Pohang Iron & Steel Company, Ltd. (POSCO), and Pohang Coated Steel Co., Ltd.(POCOS)(collectively, the POSCO Group),'' dated April 20, 2009.

After analyzing HYSCO's comments, we have determined that we did not make a clerical error with regard to the financial expense ratio. In order to be consistent with the facts on the record, we chose to follow the exact interest income allocation methodology that HYSCO used in the 2006 financial expense ratio calculation in its section D questionnaire response, dated February 4, 2008. This methodology reasonably allocates interest income based on a ratio of short–term and long–term deposits.

With regard to the error allegation on movement expenses, we agree with HYSCO that we made a clerical error by inadvertently not deducting the total Freight and Export Expenses from the SG&A calculation. The record demonstrates that both of these line items are most likely related to freight–out. Regarding the ''others income'' in the calculation of HYSCO's G&A expenses, we find that the Department intended to exclude the ''others income'' as an offset to G&A.

With regard to the error allegation that we used the incorrect beginning and ending day for the period reviewed for calculation of the comparison market and margin programs, we agree with U.S. Steel that we used the incorrect beginning and ending day. Therefore, in accordance with the Department's practice, we are correcting theses dates to reflect the first and last dates of the sales in question. *See* Ministerial Error memo; *see also* ''Memorandum from Christopher Hargett to James Terpstra, Amended Final Results of the Fourteenth Administrative Review of Certain Corrosion–Resistant Carbon Steel Flat Products from Korea: Calculation Memorandum for Hyundai HYSCO,'' dated April 20, 2009.

We are revising the review–specific average rate to reflect the weighted average rate based on the amended results of the companies subject to the instant review. *See* ''Memorandum from Christopher Hargett to James Terpstra, Amended Final Results in the 06/07 Administrative Review of Corrosion–Resistant Carbon Steel Flat Products from Korea: Calculation of Review–Specific Average Rate,'' dated April 20, 2009.

In accordance with section 751(h) of the Act, we are amending the final results of the antidumping duty administrative review of CORE from Korea for the period August 1, 2006, to July 31, 2007. As a result of correcting the ministerial errors discussed above, and in the company–specific memos

listed above, the following margins apply:

Company	Final Margin	Amended Final Margin
Dongbu	1.85	1.90
POSCO	0.53	0.53
HYSCO	1.57	1.52
Review – Specific Average[1]	5.01	5.01

[1] The review-specific average rate is applicable to LG Chem., Ltd., and Dongkuk Industries Co., Ltd. This rate is based on the weighted average of the margins calculated for those companies selected for individual review, excluding de minimis margins or margins based entirely on adverse facts available, and do not change after recalculating the margins for Dongbu, POSCO and HYSCO.

Assessment

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to 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 appropriate assessment instructions directly to CBP 15 days after publication of these amended final results of review.

The Department clarified its ''automatic assessment''' regulation on May 6, 2003 (68 FR 23954). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (*i.e.*, companies for which a dumping margin was calculated) where the companies did not know that their merchandise 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 intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of CORE from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) for companies covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies other than those covered by this review, the cash deposit rate will be the company–specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less–than-fair–value investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 17.70 percent, the all–others rate established in the less–than-fair–value investigation. These deposit requirements shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed.

Administrative Protective Order

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These amended final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and (h), and 777(i)(1) of the Act, and 19 CFR 351.224.

Dated: April 22, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–9676 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

C–580–818

Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review

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

EFFECTIVE DATE: April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Robert Copyak, 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) 482–2209.

SUPPLEMENTARY INFORMATION:

Background

On August 17, 1993, the Department published in the **Federal Register** the countervailing duty order on corrosion–resistant carbon steel flat products (CORE) from Korea. *See Countervailing Duty Orders and Amendments of Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Korea*, 58 FR 43752 (August 17, 1993). On August 1, 2008, the Department published a notice of ''Opportunity to Request Administrative Review'' of this countervailing duty order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 44966 (August 1, 2008). In accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of the administrative review

on September 30, 2008, for the 2008 period of review (POR). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 56795 (September 30, 2008). The preliminary results for this review are currently due no later than May 4, 2009.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the

final results of review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

We are awaiting supplemental information from the Government of Korea in this administrative review. Because the Department will require additional time to review and analyze this supplemental information and may issue further supplemental questionnaires, it is not practicable to complete this review within the originally anticipated time limit (i.e., by May 4, 2009). Therefore, the Department is extending the time limit for completion of the preliminary results by 120 days to not later than August 31, 2009, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 22, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–9674 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–X081

Magnuson–Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. This EFP would allow two commercial fishing vessels to temporarily retain undersize fish and fish in excess of possession limits for the purpose of data collection in support of research conducted by the Gulf of Maine Research Institute (GMRI). The Assistant Regional Administrator has made a preliminary determination that the activities authorized under this EFP would be consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued.

Regulations under the Magnuson–Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before May 13, 2009.

ADDRESSES: You may submit written comments by any of the following methods:

- Email: *DA9–103@noaa.gov*. Include in the subject line ''Comments on GMRI TED EFP.''
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on GMRI TED EFP.''
- Fax: (978) 281–9135.

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

SUPPLEMENTARY INFORMATION: GMRI was selected by the NOAA Protected Species Branch to conduct a study titled, ''Study Comparison in Flounder Trawl Gear.'' The objective of this project is to test and compare the catch performance of a trawl net fitted with a NMFS turtle excluder device (TED) with a leatherback sea turtle opening to an identical net without a TED or opening in the summer flounder fishery. This objective would be accomplished by documenting catch rates of summer flounder and other finfish bycatch between the two trawl gear types and examining the effects of these gear types on summer flounder length frequencies.

GMRI proposes to employ two commercial vessels that operate in the summer flounder fishery to conduct this research. Investigators propose to conduct approximately six 90-minute tows per day for 16 days, for a total of 96 tows, during May — June 2009. The location would be performed in the Mid–Atlantic region, specifically the summer flounder fishing grounds off Delmarva and New Jersey north of the Summer Flounder Fishery Sea Turtle Protection Area. Investigators would weigh and measure all summer flounder and finfish bycatch collected in each tow and return everything but legal–sized summer flounder within regulated possession limits to the sea as quickly as possible. All legal catch would be sold.

GMRI submitted a complete EFP application on April 13, 2009, requesting exemption from minimum fish size and possession limit regulations for the purpose of data collection prior to discard. Undersize fish and fish above the vessel's possession limit would be returned to the sea as quickly as possible to minimize discard mortality. All other elements of these fishing trips would comply with fishing regulations.

The applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited. If the research project is terminated for any reason prior to completion, any unused funds collected from catch sold to pay for research expenses may be refunded to NOAA.

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

Dated: April 22, 2009.

Alan D. Risenhoover

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

[FR Doc. E9–9646 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 090401620–9621–01]

Professional Research Experience Program (PREP); Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Professional Research Experience Program (PREP) is soliciting applications for financial assistance from accredited colleges and universities to enable those institutions to provide laboratory experiences and financial assistance to undergraduate and graduate students and post-doctoral associates at the NIST, Boulder Laboratories in Boulder, Colorado.

DATES: All applications, paper and electronic, must be received no later than 5 p.m. Mountain Daylight Time (MDT) on May 28, 2009. Applications received after this deadline will not be reviewed or considered.

Important: All applicants, both electronic and paper, should be aware that adequate time must be factored into applicants' schedules for delivery of the proposal. Electronic applicants are advised that volume on Grants.gov is currently extremely heavy, and if Grants.gov is unable to accept proposals electronically in a timely fashion, applicants are encouraged to exercise their option to submit proposals in paper format. Paper applicants should allow adequate time to ensure a paper proposal will be received on time, taking into account that guaranteed overnight carriers are not always able to fulfill their guarantees.

ADDRESSES: Proposals may be submitted to PREP as follows:

For electronic submission—Electronic proposals may be uploaded to *http://www.grants.gov.*

For paper submission—Send to Ms. Rosemary O'Connor, Administrative Coordinator for PREP, National Institute of Standards and Technology, Division 104.01, 325 Broadway, Boulder, CO 80305–3328.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity Notice (FFO) at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–5718. Program questions should be addressed to Ms. Rosemary O'Connor, Administrative Coordinator for PREP, National Institute of Standards and Technology, Division 104.01, 325 Broadway, Boulder, CO 80305–3328, Tel: (303) 497–5238, E-mail: *rosemary.oconnor@boulder.nist.gov.* The *PREP* Web site is: *http://www.boulder.nist.gov/bdprepo.htm.* All grants related administration questions concerning this program should be directed to Hope Snowden, NIST Grants and Agreements Management Division at (301) 975–6002 or *hope snowden@nist.gov,* or for assistance with using Grants.gov, contact *support@grants.gov.*

SUPPLEMENTARY INFORMATION:

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards—11.609.

Program Description: The National Institute of Standards and Technology (NIST) announces that the *Professional Research Experience Program (PREP)* is soliciting applications for financial assistance from accredited colleges and universities to enable those institutions to provide laboratory experiences and financial assistance to undergraduate and graduate students and post-doctoral associates at the NIST, Boulder Laboratories in Boulder, Colorado. In Boulder, NIST carries out programs in five laboratories—Electronics and Electrical Laboratory (EEEL), Chemical Science and Technology Laboratory (CSTL), Physics Laboratory (PL), Materials Science and Engineering Laboratory (MSEL), and the Office of the Chief Information Officer (OCIO). Please see the Federal Funding Opportunity for further details.

The objectives of the PREP are to encourage the growth and progress of science and engineering in the United States by providing research opportunities for students and post-doctoral associates, enabling them to collaborate with internationally known NIST scientists, exposing them to cutting-edge research. The PREP will promote students' pursuit of degrees in science and engineering, and post-doctoral associates' professional development in science and engineering. The NIST PREP Coordinator and NIST scientists will coordinate with appropriate department chairs, outreach coordinators, and directors of multi-disciplinary academic organizations to identify students and programs that would benefit from the PREP experience. Applicants must be able to ensure the availability of students for on site collaborative research experiences at the NIST Laboratories in Boulder, Colorado, concurrent with their university studies. Any participating student must also be enrolled in an academic program acceptable to both the sponsoring institution and NIST.

Funding Availability: NIST anticipates awarding one or more cooperative agreements to eligible institution(s). In FY 2004, seven cooperative agreements were awarded to four institutions. Since their inception on August 1, 2004, these awards have provided approximately $12.884 million in PREP fellowship support to 170 individuals. For the most recent year of the PREP, FY 2008, NIST supported 114 PREP fellowships (some students received more than one fellowship) totaling approximately $2.805 million.

Funding for the PREP will be provided as fellows are identified by the successful applicant and approved by NIST. Fellowship support from NIST under the PREP is contingent upon the availability of NIST program funds, NIST program objectives, and the discretion of NIST advisors.

Statutory Authority: The authority for the PREP is 15 U.S.C. 278g–1, which authorizes NIST to fund ''awards of research fellowships and other forms of financial assistance to students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute, and to United States citizens for research and technical activities on Institute programs.''

Eligibility: Eligible applicants are accredited institutions of higher education in the United States and its territories that offer undergraduate and graduate degrees in physics, chemistry, mathematics, computer science, or engineering. Undergraduate and graduate students who receive fellowships under the PREP must show evidence of a 3.0 or higher grade point average in a curriculum acceptable to the sponsoring educational institution and NIST and must be enrolled full-time at a sponsoring institution. Post-doctoral associates must be affiliated with a sponsoring institution of higher education.

Review and Selection Process: Screening of Applications: All PREP proposals must be submitted to the NIST PREP Administrative Coordinator. Each proposal is examined for completeness and responsiveness to the scope of the stated objectives of the PREP as described above. Substantially incomplete or non-responsive proposals will not be reviewed for technical merit nor considered for funding, and the applicant will be notified. The NIST PREP Administrative Coordinator will retain one copy of each non-responsive application for three years for record-keeping purposes. The remaining copies will be destroyed.

Each complete and responsive PREP application packet will be reviewed by at least three independent, objective NIST scientists, all of whom are Federal employees, who are knowledgeable in the subject matter of this announcement and its objectives and who are able to conduct a review based on the Evaluation Criteria for the PREP as described in this notice.

The merit review ratings shall provide a rank order to a Selecting Official for final funding recommendations. The Selecting Official will be the Director of the NIST Laboratories in Boulder, Colorado. A Federal Program Officer may first make recommendations to the Selecting Official, applying the selection factors below. The Selecting Official shall award in the rank order unless the proposal is justified to be selected out of rank order. Justification for award order different from the rank order shall be based upon one or more of the following factors:

1. Availability of funds.
2. Ability to ensure that undergraduate and graduate students are available for on-site collaborative research experiences at the NIST Boulder, CO, laboratories concurrent with their full-time University studies.
3. Ability to ensure post-doctoral associates are available for full time on-site collaborative research experiences at the NIST Boulder, CO, laboratories.
4. Applicant's prior award performance.

The final selection of institutions and award of cooperative agreements will be made by the NIST Grants Officer in Gaithersburg, Maryland, based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Unsatisfactory performance on any previous Federal award may result in an application not being considered for funding. Applicants may be asked to modify objectives, work plans, or budgets, and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final. Applicants should allow up to 90 days processing time.

Evaluation Criteria: The applications will be evaluated and scored on the basis of the following evaluation criteria:

(A) Soundness of the applicant's academic program, proposed project objectives, and appropriateness of proposed student work assignments in light of ongoing research at NIST/Boulder and the students' academic programs. (30 points)

(B) Experience in providing students pursuing degrees in physics, chemistry, mathematics, computer science, or engineering with work experiences in laboratories or other settings consistent with furthering the students' education. (30 points)

(C) Adequacy and reasonableness of plans for administering the project and coordinating with the NIST PREP Administrative Coordinator in Boulder. (20 points)

(D) Costs of the proposed project budget (proposed fellowships and other proposed costs) in light of the activities proposed and the objectives of the sponsoring institution and NIST. Voluntary cost sharing may include, but is not limited to, cash contributions for direct costs, contributions of indirect costs, or in-kind contributions. While cost sharing is not required, any cost share contribution will be taken into consideration in reviewing the competitiveness of the proposed project budget. (20 points).

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in 73 FR 7696 (February 11, 2008) apply to this notice. On the form SF–424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in item 8.c. Organizational DUNS. The DUNS number provided MUST be the DUNS number for the entity within the applying institution that will be responsible for drawing down funds from the Automated Standard Application for Payment System (ASAP). Institutions that provide incorrect DUNS numbers may experience significant delays in receiving funds.

Collaborations with NIST Employees: Collaboration with NIST is presumed in PREP. If any applicant proposes any activities involving specific NIST employees, the statement of work should include a statement of this intention, a description of the collaboration, and prominently identify the NIST employee(s) involved. Any collaboration by a NIST employee must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the approval of the proposed collaboration. Any unapproved collaboration will be stricken from the proposal prior to the merit review.

Use of NIST Intellectual Property: If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR part 401, 15 CFR 14.36, and in Section B.21 of the Department of Commerce Pre-Award Notification Requirements, 73 FR 7696 (February 11, 2008). Questions about these requirements may be directed to the Chief Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Disposition of NIST's retained rights in such inventions will be determined solely by NIST, and may include, but is not limited to, the grant of a license(s) to parties other than the applicant to practice such invention, or placing NIST's retained rights into the public domain.

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects: Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, the Food and Drug Administration, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of proposals containing research activities involving human subjects. The human subjects research activities in a proposal will require approval by Institutional Review Boards (IRBs) possessing a current registration filed with DHHS and to be performed by institutions possessing a current, valid Federal-wide Assurance (FWA) from DHHS that is linked to the cognizant IRB. In addition, NIST as an institution requires that IRB approval documentation go through a NIST administrative review; therefore, research activities involving human subjects are not authorized to start within an award until approval for the activity is issued in writing from the NIST Grants Officer. NIST will not issue a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

President Obama has issued Exec. Order No. 13,505, 74 FR 10667 (March 9, 2009), revoking previous executive orders and Presidential statements regarding the use of human embryonic stem cells in research. NIST will follow any guidance issued by the National Institutes of Health (NIH) pursuant to the executive order and will develop its own procedures based on the NIH guidance before funding research using human embryonic stem cells. NIST will follow any additional polices or guidance issued by the current Administration on this topic.

Research Projects Involving Vertebrate Animals: Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's ''Guide for the Care and Use of Laboratory Animals'' which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR parts 1, 2, and 3, and if appropriate, 21 CFR part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Reporting Requirements: Reporting requirements are described in the Department of Commerce Financial Assistance Standard Terms and Conditions dated March, 2008, found on the Internet at: *http://oamweb.osec.doc.gov/docs/GRANTS/DOC%20STCsMAR08Rev.pdf*.

The references in Sections A.01 and B.01 of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated March, 2008, to ''Federal Financial Report (SF–269)'' and ''SF–269'' are hereby replaced with ''Federal Financial Report (SF–425)'' and ''SF–425,'' respectively, as required by the Office of Management and Budget (OMB) (73 FR 61175, October 15, 2008). As authorized under 15 CFR 14.52 and 24.41, the OMB approved SF–425 shall be used in the place of the SF–269 and SF–272 under the uniform administrative requirements and elsewhere under awards in this program where such forms are referenced.

Limitation of Liability: NIST anticipates making awards for the program listed in this notice. In no event will NIST or the Department of Commerce be responsible for proposal preparation cost if these programs(s) fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not obligate NIST or the Department of Commerce to award any specific project or to obligate any available funds.

Executive Order 12866: This funding notice was determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Executive Order 12372: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Paperwork Reduction Act: The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 has been approved by OMB under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

Administrative Procedure Act/Regulatory Flexibility Act: Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: April 21, 2009.

Patrick Gallagher,

Deputy Director, NIST.

[FR Doc. E9–9650 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XO87

Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Training Operations Conducted within the Gulf of Mexico Range Complex

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

ACTION: Notice; receipt of an application for regulations and a letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorizations for the take of marine mammals incidental to training and operational activities conducted by the Navy Atlantic Fleet within Gulf of Mexico (GOMEX) Range Complex for the period beginning December 3, 2009 and ending December 2, 2014. Pursuant to the implementing regulations of the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy application and request.

DATES: Comments and information must be received no later than May 28, 2009.

ADDRESSES: Comments on the applications should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing email comments is *PR1.0648–XO87@noaa.gov*. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size. Copies of the Navy application may be obtained by writing to the address specified above (See **ADDRESSES**), telephoning the

contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 713–2289, ext. 137.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as:

> an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

With respect to military readiness activities, the MMPA defines arassment as:

> (i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Summary of Request

On October 2, 2008, NMFS received an application from the Navy requesting an authorization for the take of marine mammal species/stocks incidental to the proposed training operations within the GOMEX Range Complex over the course of 5 years. These training activities are classified as military readiness activities. The Navy states that these training activities may cause various impacts to marine mammal species in the proposed GOMEX Range Complex Study Area. The Navy requests an authorization to take 9 species of cetaceans annually by Level B harassment, and 1 individual each of pantropical spotted dolphin and spinner dolphin by Level A harassment (injury). Please refer to the take table on page 6–17 of the LOA application for detailed information of the potential exposures from explosive ordnance (per year) for marine mammals in the GOMEX Range Complex.

Description of the Specified Activities

The GOMEX Study Area encompasses areas at sea, undersea, and Special Use Airspace (SUA) in the northern Gulf of Mexico off the coast of the U.S. (Figures 1 and 2 of the LOA application). The portions of the GOMEX Study Area to be considered for the proposed action consist of the BOMBEX Hotbox (surface and subsurface waters) located within the Pensacola Operation Area (OPAREA), SUA warning areas W–151A/B/C and W–155A/B (surface waters), and underwater detonation (UNDET) Area E3 (surface and subsurface waters), located within the territorial waters off Padre Island, Texas, near Corpus Christi NAS. The portions of the GOMEX Study Area addressed in the Navy LOA application encompass:

- 1,496 nm^2 (5,131 km^2) of sea space (BOMBEX Hotbox, where high explosives occur, and UNDET Area E3 where underwater detonations occur); and
- 11,714 nm^2 (40,178 km^2) of SUA warning areas (vessel movements only)

The BOMBEX Hotbox is an in-water operating and maneuvers area with defined air, ocean surface, and subsurface areas. The BOMBEX Hotbox is located in the offshore waters of the northeastern Gulf of Mexico (GOM) adjacent to Florida and Alabama. The northernmost boundary of the BOMBEX Hotbox is located 23 nm (42.6 km) from the coast of the Florida panhandle at latitude 30 N, the eastern boundary is approximately 200 nm (370.4 km) from the coast of the Florida peninsula at longitude 86° 8 W.

The SUA warning areas, W–151A/B/C and W–155A/B, are in-water operating and maneuver areas with defined air and ocean surface. W–151A/B/C and W–155A/B are located in and above the offshore waters of the northeastern GOM adjacent to Florida and Alabama.

The UNDET Area E3 is a defined surface and subsurface area located in the waters south of Corpus Christi NAS and offshore of Padre Island, Texas. The westernmost boundary is located 7.5 nm (13.9 km) from the coast of Padre Island at 97° 9′33″ W and 27° 24′26″ N at the Western most corner. It lies entirely within the territorial waters (0 to 12 nm, or 0 to 22.2 km) of the U.S. and the majority of it lies within Texas state waters (0 to 9 nm, or 0 to 16.7 km). It is a very shallow water training area with depths ranging from 20 to 26 m.

In the application submitted to NMFS, the Navy requests an authorization to take marine mammals incidental to conducting training operations within the GOMEX Range Complex. These training activities consist of surface warfare. Although vessel movement is also a component of the proposed GOMEX Range Complex training activities, the Navy concludes that it is unlikely marine mammals would be taken by vessel movement with the implementation of mitigation and monitoring measures described in the LOA application.

Surface Warfare

Surface Warfare (SUW) supports defense of a geographical area (e.g., a zone or barrier) in cooperation with surface, subsurface, and air forces. SUW operations detect, localize, and track surface targets, primarily ships. Detected ships are monitored visually and with radar. Operations include identifying surface contacts, engaging with weapons, disengaging, evasion, and avoiding attack, including implementation of radio silence and deceptive measures. For the proposed GOMEX Range Complex training operations, SUW events involving the use of explosive ordnance include air-to-surface Bombing Exercises [BOMBEX (A–S)] and surface-to-surface Gunnery Exercises (GUNEX) that occur at sea.

(A) Bombing Exercise (Air-to-Surface) [BOMBEX (A–S)]

Strike fighter aircraft, such as F/A–18s, deliver explosive bombs against at-sea surface targets with the goal of destroying the target. BOMBEX (A–S) training in the GOMEX Study Area occurs only during daylight hours in the BOMBEX Hotbox area.

For the proposed BOMBEX (A–S), two aircraft will approach an at-sea target from an altitude of between 15,000 ft (4,572 m) to less than 3,000 ft (914.4 m) and release a high explosive (HE) 1,000-pound (lb) bomb on the target. MK–83 bombs would be used. MK–83 bombs have a net explosive weight (NEW) of 415.8 lbs. The typical bomb release altitude is below 3,000 ft (914.4 m) and the target is usually a flare. The time in between bomb drops is approximately 3 minutes.

(B)Gunnery Exercise (Surface-to-Surface) [GUNEX (S–S)] Boat

Gunnery Exercise (S–S) is a part of quarterly reservist training and operational activities for the Mobile Expeditionary Security Group (MESG) that operates out of Corpus Christi Naval Air Station (NAS). The MESG trains with M3A2 (0.5-lb NEW) anti-swimmer concussion grenades. The M3A2 grenades are small and contain high explosives in an inert metal or plastic shell. They detonate at about 3 m (9.8 ft) under the water surface within 4 to 5 seconds of being deployed. The detonation depth may be shallower depending upon the speed of the boat at the time the grenade is deployed. GUNNERY (S–S) training in the GOMEX Study Area may occur during day or evening hours in the UNDET Area E3.

Table 1 below summarizes the level of Surface Warfare training activities planned in the GOMEX Range Complex for the proposed action.

TABLE 1. LEVEL OF SURFACE WARFARE TRAINING ACTIVITIES PLANNED IN THE GOMEX RANGE COMPLEX PER YEAR

Operation	Platform	System/ Ordnance	Number of Events	Training Area	Potential Time of Day
Bombing Exercise (BOMBEX) (Air-to-Surface, At-Sea)	F/A–18	MK–83 [1,000-lb High Explosive (HE) bomb] 415.8 lbs NEW	1 event (4 bombs)	BOMBEX Hotbox	Daytime only
Gunnery Exercise (GUNEX) (Surface-to-Surface) - Boat	Vessels such as combat rubber raiding craft, rigid hull inflatable boats, and patrol craft	M3A2 concussion grenades (8-oz HE grenade) 0.5 lbs NEW	4 events (20 grenades)	UNDET Area E3	Day or night

Vessel Movement

Vessel movements are associated with most training and operational activities in the GOMEX Study Area. Currently, the number of Navy vessels operating in the GOMEX Study Area varies based on training schedules and can range from 0 to about 10 vessels at any given time. Vessel sizes range from small boats (<35 ft, or 10.7 m) for a harbor security boat to 1,092 ft (332.8 m) for a CVN (carrier vessel nuclear) and speeds generally range from 10 to 14 knots, but may be considerably faster, for example an aircraft carrier aking wind while launching and recovering aircraft, and for small boat operations. Operations involving vessel movements occur intermittently and are variable in duration, ranging from a few hours up to 2 weeks. These operations are widely dispersed throughout the GOMEX Study Area, which is an area encompassing 11,714 nm^2 (40,178 km^2). Most vessel movements occur in the offshore OPAREAs, but vessel movements associated with MESG training in the UNDET Area E3 and Commander Naval Installations Command (CNIC) harbor security group training in the Panama City OPAREA occur between shore and 12 nm (22.2 km), including the nearshore zone (<3 nm, or 5.6 km). The Navy logs about 180 total vessel days within the GOMEX Study Area during a typical year. Consequently, the density of Navy vessels within the GOMEX Study Area at any given time is low (i.e., less than 0.0113 ships/nm^2 (0.0386 km^2)).

Proposed Monitoring and Mitigation Measures

The Navy is developing an Integrated Comprehensive Monitoring Program (ICMP) for marine species to assess the effects of training activities on marine species and investigate population trends in marine species distribution and abundance in various range complexes and geographic locations where Navy training occurs. The primary tools available for monitoring include visual observations, acoustic monitoring, photo identification and tagging, and oceanographic and environmental data collection.

A list of proposed mitigation measures and standard operating procedures is described in the application for the proposed training operations. These mitigation measures include personnel training for watchstanders and lookouts in marine mammal monitoring, operating procedures for collision avoidance and a series of measures for specific at-sea training events including surface-to-surface gunnery, etc. A detailed description of the monitoring and mitigation measures is provided in the application.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy request (see **ADDRESSES**). All information, suggestions, and comments related to the Navy GOMEX Range Complex request and NMFS potential development and implementation of regulations governing the incidental taking of marine mammals by the Navy training activities will be considered by NMFS in developing, if appropriate, the most effective regulations governing the issuance of letters of authorization.

Dated: April 22, 2009.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–9647 Filed 4–27–09; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11:00 a.m., Friday, May 1, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9696 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Notice of Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, May 8, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

FOR FURTHER INFORMATION CONTACT: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9697 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, May 15, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9701 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m., Wednesday, May 20, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9702 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Wednesday, May 6, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: DCIO Risk Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9700 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, May 29, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9698 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, May 22, 2009.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. E9–9703 Filed 4–24–09; 11:15 am]

BILLING CODE 6351–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 28, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 22, 2009.

Angela C. Arrington,

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

Institute of Education Sciences

Type of Review: Extension.

Title: Quick Response Information System (QRIS).

Frequency: One time.

Affected Public: Individuals or household; not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 3,655.

Burden Hours: 7,889.

Abstract: The National Center for Education Statistics (NCES) Quick Response Information System (QRIS) consists of the Fast Response Survey System (FRSS) and the Postsecondary Education Quick Information System (PEQIS). The QRIS currently conducts surveys under OMB generic clearance 1850–0733, which expires in October 2009. This clearance request represents a request for a continuation of the current clearance conditions through October 2012. FRSS primarily conducts surveys of the elementary/secondary sector (districts, schools) and public libraries. PEQIS conducts surveys of the postsecondary education sector. FRSS and PEQIS surveys are cleared under the QRIS generic clearance. The QRIS clearance goes through the regular clearance process at OMB with a 60-day notice and a 30-day notice as part of the 120-day review period. The QRIS package describes the general scope of the surveys, their quick turnaround time, their length, size of sample, sample design, and some typical topics. Each individual FRSS or PEQIS survey goes into the clearance process with an abbreviated clearance package, justifying the particular content of the survey, describing the sample design, the timeline for the survey activities, and the questionnaire. The review period for each individual survey is approximately 45 days, including a 30-day **Federal Register** notice period. OMB will provide comments as soon after the end of the 30-day notice period as possible. This generic clearance request is for surveys of state education agencies, school districts, schools, postsecondary institutions, and libraries. Surveys of teachers, students, commercial establishments, and households are not included in this request.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3965. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–9655 Filed 4–27–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Small, Rural School Achievement Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice announcing application deadline.

Catalog of Federal Domestic Assistance (CFDA) Number 84.358A.

SUMMARY: Under the Small, Rural School Achievement (SRSA) Program, the U.S. Department of Education (Department) awards grants on a formula basis to eligible local educational agencies (LEAs) to address the unique needs of rural school districts. In this notice, we establish the deadline for submission of fiscal year (FY) 2009 SRSA grant applications.

Application Deadline: June 30, 2009, 4:30:00 p.m. Washington, DC time.

An eligible LEA that is required to submit an application must do so electronically by the application deadline specified in this notice. If it submits its application after this deadline, the LEA will receive a grant award only to the extent that funds are available after the Department awards grants to other eligible LEAs under the program.

SUPPLEMENTARY INFORMATION:

Which LEAs Are Eligible for an Award Under the SRSA program?

An LEA (which includes public charter schools that are considered LEAs under State law) is eligible for an award under the SRSA program if—

(a) The total number of students in average daily attendance at all of the schools served by the LEA is fewer than 600, or each county in which a school served by the LEA is located has a total population density of fewer than 10 persons per square mile; and

(b) All of the schools served by the LEA are designated with a school locale code of 7 or 8 by the Department's National Center for Education Statistics (NCES), or the Secretary has determined, based on a demonstration by the LEA and concurrence of the State educational agency (SEA), that the LEA is located in an area defined as rural by a governmental agency of the State.

The school locale codes are the locale codes determined on the basis of the NCES school code methodology in place on the date of enactment of section 6211(b) of the Elementary and Secondary Education Act of 1965, as amended.

Which Eligible LEAs Must Submit an Application To Receive a FY 2009 SRSA Grant Award?

An eligible LEA must submit an application to receive a FY 2009 SRSA grant award if it falls under any of the following categories:

1. The LEA never submitted an application for SRSA funds in any prior year;

2. The LEA received an SRSA grant award for FY 2006 and, as of December 31, 2008, had not drawn down from the Department's Grant Administration and Payment System any of its FY 2006 SRSA funds;

3. The LEA was identified in a prior year as needing to re-apply for SRSA funds because of the absence of drawdown activity, but did not do so.

Under the regulations in 34 CFR 75.104(a), the Secretary makes grants only to an eligible party that submits an application. Given the limited purpose served by the application under the SRSA program, the Secretary considers the application requirement to be met if the LEA submitted an SRSA application for any prior year and does not fall under any of the categories listed above requiring the submission of a new application. In this circumstance, unless the LEA advises the Secretary by the application deadline that it is withdrawing its application, the Secretary deems the application that the LEA previously submitted to remain in effect for FY 2009 funding, and the LEA does not have to submit an additional application.

The Department intends to provide, by April 30, 2009, a list of LEAs eligible for FY 2009 funds on the SRSA Web site at http://*www.ed.gov/programs/reapsrsa/index.html* under the ''Eligibility'' hyperlink. The Web site will indicate which eligible LEAs must submit a new application to the Department to receive an FY 2009 SRSA

grant award, and which eligible LEAs are considered already to have met the application requirement.

Eligible LEAs that must submit a new application in order to receive FY 2009 SRSA funds must do so electronically by the deadline established in this notice.

Electronic Submission of Applications:

An eligible LEA that is required to submit an application to receive FY 2009 SRSA funds must submit an electronic application by June 30, 2009, 4:30:00 p.m., Washington, DC time. Submission of an electronic application involves the use of the Department's Electronic Grant Application System (e-Application) available through the Department's e-Grants system.

You can access the electronic application for the SRSA Program at: *http://e-grants.ed.gov.*

Once you access this site, you will receive specific instructions regarding the information to include in your application.

The hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until 8 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8 p.m. on Sundays and 6 a.m. on Mondays, and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Schulz, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W107, Washington, DC 20202. Telephone: (202) 401–0039 or by e-mail: *reap@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities may obtain this notice in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Electronic Access to This Document: You can view this document, as well as other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

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Program Authority: 20 U.S.C. 7345–7345b.

Delegation of Authority: The Secretary of Education has delegated to Joseph C. Conaty, Director, Academic Improvement and Teacher Quality Programs for the Office of Elementary and Secondary Education, the authority to perform the functions of the Assistant Secretary for Elementary and Secondary Education.

Dated: April 23, 2009.

Joseph C. Conaty,

Director, Academic Improvement and Teacher Quality Programs.

[FR Doc. E9–9668 Filed 4–27–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: Department of Education, National Assessment Governing Board.

ACTION: Notice of open meeting and partially closed meetings.

SUMMARY: The notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify members of the general public of their opportunity to attend. Individuals who will need special accommodations in order to attend the meeting (*i.e.;* interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than April 30, 2009. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: May 14–16, 2009.

Times:

May 14

Committee Meetings:

Assessment Development Committee: Closed Session—8:30 a.m. to 10:30 a.m.; Open Session—10:30 a.m. to 2 p.m.

Ad Hoc Committee on NAEP Testing and Reporting on Students with Disabilities and English Language Learners

Open Session—2 p.m. to 4 p.m.

Executive Committee: Open Session—4:30 p.m. to 5 p.m.; Closed Session—5 p.m. to 6 p.m.

May 15

Full Board: Open Session—8:30 a.m. to 9:30 a.m.; Closed Session—12:30 p.m. to 2:45 p.m.; Open Session—3 p.m. to 4:30 p.m.

Committee Meetings:

Assessment Development Committee: Open Session—9:45 a.m. to 12:15 p.m.

Committee on Standards, Design and Methodology: Open Session—9:45 a.m. to 12:15 p.m.

Reporting and Dissemination Committee: Open Session—9:45 a.m. to 12:15 p.m.

May 16

Nominations Committee: Closed Session—7:45 a.m. to 8:15 a.m.

Full Board: Open Session—8:30 a.m. to 10 a.m.

Location: Hyatt at Olive 8, 1635 8th Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994, as amended.

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include selecting subject areas to be assessed, developing assessment specifications and frameworks, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public.

On May 14, 2009, the Assessment Development Committee will meet in closed session from 8:30 a.m. to 10:30 a.m. to review secure grades 8 and 12 test items for the 2010 National Assessment of Educational Progress (NAEP) Writing Pilot. The meeting must be conducted in closed session as

disclosure of proposed test items for the writing pilot would significantly impede implementation of the NAEP program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

The Ad Hoc Committee on NAEP Testing and Reporting on Students with Disabilities and English Language Learners will meet in open session from 2 p.m. to 4 p.m. Thereafter, the Executive Committee will meet in open session from 4:30 p.m. to 5 p.m. and in closed session from 5 p.m. to 6 p.m.

During the closed session the Executive Committee will receive a briefing from the National Center for Education Statistics (NCES) on options for NAEP contracts covering the 2008–2012 assessment years, based on funding for Fiscal Year 2009–2010. The discussion of contract options and costs will address the implications for congressionally mandated goals and adherence to Board policies on NAEP assessments. This part of the meeting must be conducted in closed session because public discussion of this information would disclose independent government cost estimates and contracting options, adversely impacting the confidentiality of the contracting process. Public disclosure of information discussed would significantly impede implementation of the NAEP contracts, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

The second portion of the closed session of the Executive Committee is for discussion of staff appointments and actions. These discussions pertain solely to internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 U.S.C.

On May 15, the full Board will meet in open session from 8:30 a.m. to 9:30 a.m. The Board will review and approve the agenda and the March 2009 Board meeting minutes. Following these actions and following welcome remarks from Seattle hosts, the Governing Board will receive a report from the Interim Executive Director of the Governing Board, and hear an update on the work of NCES.

On May 15, three of the Board's standing committees—the Assessment Development Committee, the Reporting and Dissemination Committee, and the Committee on Standards, Design and Methodology will meet in open sessions from 9:45 a.m. to 12:15 p.m.

On May 15 from 12:30 p.m. to 1:30 p.m. the full Board will meet in closed session to receive a briefing on the NAEP 2008 Arts Report Card from the Associate Commissioner of NCES. The Governing Board will be provided with embargoed data on the Arts Report Card that cannot be discussed in an open meeting prior to their official release. From 1:30 p.m. to 2:45 p.m., the full Board will receive an update from NCES on NAEP participation and motivation issues on the 2009 Math, Reading, and Science assessments. The participation and motivation issues pertain to the assessment results and cannot be discussed in open session prior to their release. Both these sessions must therefore be conducted in closed session as premature disclosure of data would significantly impede implementation of the NAEP program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

From 3 p.m. to 3:45 p.m. the Board will receive a briefing on the Governing Board/Council of Chief State School Officers Policy Task Force from the Task Force Chair Joe Willhoft, and Assistant Superintendent of Washington Office of Public Instruction. From 3:45 p.m. to 4:30 p.m. the Board will receive an update on the NAEP 2012 Technological Literacy Framework Project. The May 15 session of the Board meeting is scheduled to adjourn at 4:30 p.m.

On May 16, the Nominations Committee will meet in closed session from 7:45 a.m. to 8:15 a.m. to review and discuss confidential information regarding nominees received for Board vacancies for terms beginning on October 1, 2009. These discussions pertain solely to internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 U.S.C.

The full Board will meet in open session on May 16 from 8:30 a.m. to 10 a.m. to receive and take action on Committee reports. The May 16, 2009 session of the Board meeting is scheduled to adjourn at 10 a.m.

Detailed minutes of the meeting, including summaries of the activities of the closed sessions and related matters that are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW., Washington, DC, from 9 a.m. to 5 p.m. Eastern Standard Time, Monday through Friday.

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Dated: April 22, 2009.

Mary Crovo,

Interim Executive Director, National Assessment Governing Board, U.S. Department of Education.

[FR Doc. E9–9596 Filed 4–27–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records—Teacher Survey Response Incentive System

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled ''Teacher Survey Response Incentive System'' (18–13–22).

The Teacher Survey Response Incentive System is used to mail incentive payments to respondents in a Teacher Survey being conducted by the National Study on Alternate Assessments and will include respondent teacher names and contact information.

DATES: The Department seeks comment on the new system of records described in this notice, in accordance with the requirements of the Privacy Act. We must receive your comments about this new system of records on or before May 28, 2009.

The Department filed a report describing the new system of records

covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on April 23, 2009. This system of records will become effective at the later date of—(1) the expiration of the 40-day period for OMB review on June 2, 2009; or (2) May 28, 2009, unless the system of records needs to be changed as a result of public comment or OMB review.

ADDRESSES: Address all comments about this proposed system of records to Kristen Lauer, PhD, National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 508H, Washington, DC 20208–5550. If you prefer to send comments through the Internet, use the following address: *comments@ed.gov.*

You must include the term ''Teacher Survey Response Incentive System'' in the subject line of your electronic message.

During and after the comment period, you may inspect all comments about this notice at the Department in room 508H, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Kristen Lauer, National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 508H, Washington, DC 20208–5550. Telephone: (202) 219–0377. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a(e)(4)) requires the Department to publish in the **Federal Register** this notice of a new system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in part 5b of title 34 of the Code of Federal Regulations (CFR).

The Privacy Act applies to a record about an individual that is maintained in a system of records from which individually identifying information is retrieved by a unique identifier associated with each individual, such as a name or social security number. The information about each individual is called a ''record,'' and the system, whether manual or computer-based, is called a ''system of records.''

The Privacy Act requires each agency to publish a notice of a system of records in the **Federal Register** and to submit, whenever the agency publishes a new system of records or makes a significant change to an established system of records, a report to the Administrator of the Office of Information and Regulatory Affairs, OMB. Each agency is also required to send copies of the report to the Chair of the Committee on Oversight and Government Reform of the House of Representatives, and to the Chair of the Committee on Homeland Security and Governmental Affairs of the Senate. These reports are intended to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

Electronic Access to This Document

You can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister/index.html.*

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Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara.*

Dated: April 23, 2009.

Sue Betka,

Acting Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Acting Director of the Institute of Education Sciences (IES), U.S. Department of Education (the Department), publishes a notice of a new system of records to read as follows:

SYSTEM NUMBER:

18–13–22

SYSTEM NAME:

Teacher Survey Response Incentive System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) National Center for Education Statistics, Institute of Education Sciences, 1990 K Street, NW., Washington, DC 20006–1103.

(2) SRI International, 333 Ravenswood Ave., Menlo Park, CA 94025–3493 (contractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Teacher Survey Response Incentive System contains records of respondents to the Teacher Survey being administered as part of the National Study on Alternate Assessments Teacher Survey.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Teacher Survey Response Incentive System contains records, including name and contact information, necessary for mailing incentive checks to survey respondents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Teacher Survey is part of the National Study on Alternate Assessments, which is authorized by section 664(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1464(c)). This Study is also authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563).

PURPOSE(S):

The information contained in the records maintained in this system is used for the following purpose: To allow the Department's contractor administering the National Study on Alternate Assessments (NSAA) Teacher Survey to mail response incentive checks to respondents who complete the survey.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Computer Matching and Privacy Protection Act of 1988, as amended, under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collections, reporting and publication of data by IES.

Contract Disclosure. If the Department contracts with an entity to perform any function that requires disclosing records to the contractor's employees, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a database on the Department's and the contractor's secure servers and in other electronic storage media.

RETRIEVABILITY:

Records are retrieved by respondent name.

SAFEGUARDS:

Access to the records is limited to authorized personnel only. All physical access to the Department's site and to the site of the Department's contractor where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the buildings for his or her employee or visitor badge.

The computer system employed by the Department and by the Department's contractor offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis, and controls an individual user's ability to access and alter records within the system.

RETENTION AND DISPOSAL:

Source records for Teachers Survey Response Incentive System input are destroyed after the information has been entered into the system and verified, in accordance with the National Archives and Records Administration General Records Schedules (GRS) 20, Item 2a(4). System records are destroyed/deleted when 2 years old, in accordance with GRS 23, Item 8.

SYSTEM MANAGER(S) AND ADDRESS:

Contracting Officer's Representative (COR), National Study on Alternate Assessments, National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208–5550.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to your record in the system of records, contact the system manager at the address listed under, **SYSTEM MANAGER AND ADDRESS**. Your request should contain your full name, address, and telephone number. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations in 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

Information, including name and contact information, maintained in this system of records is taken from teachers who respond to the Teacher Survey, which is being administered as part of the National Study on Alternate Assessments.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

[FR Doc. E9–9662 Filed 4–27–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–135–000]

Equitrans, L.P.; Notice of Application

April 21, 2009.

Take notice that on April 9, 2009, Equitrans, L.P. (Equitrans), 225 North Shore Drive, Pittsburgh, PA 15212, filed in the above referenced docket an abbreviated application pursuant to section 7(b) of the Natural Gas Act (NGA), for an order approving the abandonment of certain equipment at Equitrans' Rogersville Compressor Station located in Rogersville, Greene County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Specifically, Equitrans requests authority to abandon the compressors and the appurtenant buildings and associated piping. The compressor equipment is no longer required to support Equitrans' jurisdictional transportation and storage services to its shippers and is no longer necessary to support Equitrans' integrated operations.

Any questions concerning this application may be directed to Joseph M. Dawley, Counsel, Environmental and Regulatory Law, EQT Corporation, 225 North Shore Drive Pittsburgh, PA 15212, phone: (412) 553–7708, fax: (412) 553–7781, e-mail: *jdawley@eqt.com* or Robert F. Christin, Van Ness Feldman, P.C., 1050 Thomas Jefferson Street, NW., Washington, DC 20007, phone: (202) 298–1987, fax: (202) 338–2416, e-mail: *rfc@vnf.com*.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final

environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions 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: May 12, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9609 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2351–013]

Public Service Company of Colorado; Notice of Intent To File License Application, Filing of Pre-Application Document, Commencement of Licensing Proceeding, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

April 21, 2009.

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Licensing Proceeding.

b. *Project No.:* 2351–013.

c. *Dated Filed:* February 20, 2009.

d. *Submitted By:* Public Service Company of Colorado.

e. *Name of Project:* Cabin Creek Pumped Storage Project.

f. *Location:* On South Clear Creek and Cabin Creek in Clear Creek County, Colorado. The project occupies about 268 acres of land in the Arapaho National Forest managed by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR Part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Ms. Christine Johnston, Xcel Energy, 4653 Table Mountain Drive, Golden, CO 80403; (720) 497–2156.

i. *FERC Contact:* Steve Hocking (202) 502–8753 or steve.hocking@ferc.gov.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item n below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. Public Service Company of Colorado filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site *(http://www.ferc.gov),* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. With this notice, we are soliciting comments on the PAD and Scoping

Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application (an original and eight copies) must be filed with the Commission at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include on the first page, the project name (Cabin Creek Pumped Storage Project) and number (P–2351–013), and bear the heading ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by June 22, 2009.

Comments on the PAD and SD1, study requests, requests for cooperating agency status, and other permissible forms of communications with the Commission may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''e-filing'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.''

o. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, the below scoping meetings will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Wednesday, May 20, 2009
Time: 9 a.m. to 2 p.m. (MST)
Location: U.S. Forest Service Regional Office (Region 2), 740 Simms Street, Golden, CO 80401.
Phone: (303) 275–5350

Evening Scoping Meeting

Date: Tuesday, May 19, 2009
Time: 7 p.m. to 10 p.m. (MST)
Location: Georgetown Community Center, 613 6th Street, Georgetown, CO 80444.
Phone: (303) 569–2274

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the Web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph m. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Site Visit

Commission staff held an early site visit for this project on June 18, 2008. Therefore, there will be no site visit held in association with the above scoping meetings.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item m of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

Kimberly D. Bose,
Secretary.

[FR Doc. E9–9608 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–109–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Application

April 17, 2009.

Take notice that on April 6, 2009, Kinder Morgan Interstate Gas Transmission LLC (KMIGT), 370 Van Gordon Street, Lakewood, CO 80228, filed in Docket No. CP09–109–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's regulations, requesting a certificate of public convenience and necessity authorizing the construction and operation of certain facilities comprising its proposed Huntsman 2009 Expansion Project. KMIGT is requesting authorization to construct and operate certain storage facilities necessary to increase the capability of the Huntsman Storage Facility in Cheyenne County, Nebraska to expand storage services available to the Cheyenne Market Center hub. KMIGT also requests approval of new incremental rates for the project facilities under its currently effective Rate Schedule CMC–2. The proposed project facilities will create an incremental storage capacity for up to 1,000,000 dekatherms (Dth), with an associated injection capability of approximately 6,400 dekatherms per day (Dth/day) and associated withdrawal deliverability of approximately 10,400 Dth/day. The total estimated cost for the proposed Huntsman 2009 Expansion Project is $13,120,330, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web 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 TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Robert F. Harrington, Vice President, Regulatory, Kinder Morgan Interstate Gas Transmission LLC, 370 Van Gordon Street, Lakewood, CO 80228–8304 at (303)-763–3258 or by e-mail at *Robert_Harrington@kindermorgan.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions 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 email 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: May 8, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9601 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–17–000]

Florida Gas Transmission Company, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Phase VIII Expansion Project

April 17, 2009.

The staff of the Federal Energy Regulatory Commission (Commission or FERC) has prepared a draft environmental impact statement (EIS) on the natural gas pipeline facilities proposed by Florida Gas Transmission Company, LLC (FGT) in the above-referenced docket. FGT's Phase VIII Expansion Project (Project) would be located in Alabama and Florida.

The draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that the proposed project, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The U.S. Army Corps of Engineers (COE) and U.S. Department of Agriculture Forest Service (USFS) are cooperating agencies for this EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The Project would require permits from the cooperating agencies pursuant to Section 404 of the Clean Water Act (33 United States Code [U.S.C.] 1344), Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), right-of-way grants within the Apalachicola National Forest (ANF), and/or temporary use permits. The COE would adopt the EIS per Title 40 Code of Federal Regulations § 1506.3 (40 CFR 1506.3) if, after an independent review of the document, it concludes that its comments and suggestions have been satisfied. The USFS manages all Federal lands (ANF) that would be crossed by this Project. A special-use permit would be issued by the USFS for the existing right-of-way for two existing pipelines (a 30-inch and a 36-inch-diameter) and the proposed additional 36-inch-diameter pipeline. This additional pipeline would require an additional 40 feet of right-of-way adjacent to the existing right-of-way. By participating as a cooperating agency, the USFS will obtain the views of the public prior to reaching an easement decision.

The draft EIS addresses the potential environmental effects of the following Project facilities:

- Construction and operation of about 357.3 miles of mixed-diameter looping segments in Mobile, Baldwin, and Escambia Counties, Alabama and Escambia, Santa Rosa, Okaloosa, Walton, Washington, Jackson, Bay, Calhoun, Gadsden, Leon, Jefferson, Taylor, Lafayette, Suwannee, Gilchrist, Levy, Citrus, Hernando, Pasco, Hillsborough, and Miami-Dade Counties, Florida;
- Construction and operation of about 125.9 miles of three mixed-diameter segments of greenfield pipeline in Lafayette, Madison, Manatee, DeSoto, Highlands, Okeechobee, Martin, and Suwannee Counties, Florida;
- Acquisition from Florida Power & Light Company (FPL) one 22.7 mile 20-inch-diameter segment of pipeline, located in Martin County, Florida, as an ''in service'' pipeline;
- Installation of about 198,000 horsepower (hp) of compression at 8 existing compressor stations;
- Installation of one new 15,600 hp compressor station in Highlands County, Florida;
- Acquisition of additional property directly adjacent to four existing compressor stations for expansion, expand four compressor stations within their right-of-way, and acquire the property for one new compressor station; and
- Construction and operation of new meter and regulator (M&R) Stations in Suwannee County, Manatee County, and Martin County, Florida; upgrade two M&R Stations in Mobile County, Alabama and Martin County, Florida; and construct one new regulator station in Lafayette County, Florida.

Comment Procedures and Public Meetings

You can make a difference by providing us with your specific comments or concerns about the Phase VIII Expansion 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 consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments before June 8, 2009.

For your convenience, there are four methods in which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP09–17–000 with your submission. 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.* Please carefully follow these instructions so that your comments are properly recorded:

(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 *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 your are making. A comment on a particular project is considered a ''Comment on a Filing;''

(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 your comments for the attention of the Gas Branch 1, PJ11.1 and reference Docket No. CP09–17–000 on the original and both copies; and

(4) In lieu of sending written or electronic comments, the FERC invites you to attend one of the public comment meetings the staff will conduct in the project area to receive comments on the draft EIS. All meetings will begin at 7 p.m., and are scheduled as follows:

Date	Location
Tuesday, May 12, 2009, 7 p.m	Crestview Community Center, 1446 Commerce Drive, Crestview, Florida, 850–682–0647.
Thursday, May 14, 2009, 7 p.m	Catholic Church Parish Hall, 2750 S. Byron Butler Parkway Perry, Florida 850–584–8853.
Tuesday, May 19, 2009, 7 p.m	Residence Inn by Marriott, 2101 Northpointe Parkway, Lutz, Florida, 813–792–8400.
Thursday, May 21, 2009, 7 p.m	Holliday Inn Express, 608 South Lakeview Road, Lake Placid, Florida, 863–465–9916.

Interested groups and individuals are encouraged to attend and present oral comments on the draft EIS. Transcripts of the meetings will be prepared.

After the comments are reviewed, any significant new issues are investigated, and modifications are made to the draft EIS, a final EIS will be published and distributed. The final EIS will contain the staff's responses to timely comments received on the draft EIS.

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). Anyone may intervene in this proceeding based on this draft EIS. You must file your request to intervene as specified above.[1] Only intervenors have the right to seek rehearing of the Commission's decision. You do not need intervenor status to have your comments considered.

The draft EIS has been placed in the public files of the FERC and the COE, and is available for public inspection at:

Federal Energy Regulatory Commission Public Reference Room 888 First Street, NE, Room 2A Washington, DC 20426 (202) 502–8371.	U.S. Army Corps of Engineers, Jacksonville District, 701 San Marco Boulevard, Jacksonville, Florida 32207, 904–232–1472.	U.S. Forest Service, Apalachicola National Forest, 57 Taft Drive, Crawfordville, Florida 32327, 850–926–3561.

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

A limited number of copies are available from the FERC's Public Reference Room identified above. This draft EIS is also available for public viewing on the FERC's Internet Web site at *http://www.ferc.gov.* In addition, copies of the draft EIS have been mailed to Federal, State, and local government agencies; elected officials; Native American Tribes; local libraries and newspapers; intervenors in the FERC's proceeding; individuals who provided scoping comments; and affected landowners and individuals who requested the draft EIS.

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number,'' excluding the last three digits in the Docket Number field (*i.e.,* CP09–17), and follow the instructions. You may also search using the phrase ''FGT Phase VIII Expansion Project'' in the ''Text Search'' field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that 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. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Information concerning the involvement of the COE is available from Bev Lawrence at 904–232–2517 and information concerning the involvement of the ANF is available from Harold Shenk at 850–926–3561.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9600 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–157–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

April 21, 2009.

Take notice that on April 16, 2009, El Paso Natural Gas Company (EPNG), PO Box 1087, Colorado Springs, Colorado 80944, filed a prior notice request pursuant to parts 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) and EPNG's blanket certificate issued in Docket No. CP82–435–000, for authorization to increase the certificated Maximum Allowable Operating Pressure (MAOP) of its 6⅝ inch outer diameter Mesa Irrigation Area Line (Line No. 2152) located in Yuma County, Arizona, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, EPNG proposes to uprate the MAOP of Line No. 2152 from 250 pounds per square in gauge (psig) to 450 psig to provide a higher delivery pressure to Southwest Gas Corporation (SWG) to test its downstream facilities and to modestly increase its contract pressure. EPNG states that it was informed by SWG that it seeks to increase the operating pressure of its local distribution system and asked EPNG to provide a delivery pressure of approximately 450 psig to allow SWG to pressure test its system. EPNG asserts that, after successfully testing its system, SWG has requested a minimum delivery pressure increase under its transportation service agreement from 250 psig to 265 psig on a day-to-day basis. EPNG states that it would be able to immediately meet the higher pressures requested by SWG given that EPNG's upstream Line No. 2123 already operates at higher pressure and has an MAOP of 809 psig. EPNG asserts that it would not require any new equipment installations and would only have to change the settings on its existing regulation equipment to permit the higher pressure operation.

Any questions regarding the application should be directed to Richard Derryberry, Director, Regulatory Affairs Department, El Paso Natural Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944, at (719) 520–3782.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to Part 157.205 of the Commission's regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9603 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–47–000]

Richard Blumenthal, Attorney General for the State of Connecticut, Complainant, v. ISO-New England, Inc., Certain Unidentified Market Participant Importer(s) of Installed Capacity, Respondents; Notice of Complaint

April 21, 2009.

Take notice that on April 20, 2009, Richard Blumenthal, Attorney General for the State of Connecticut (CTAG) filed a formal complaint against ISO–New England, Inc. (ISO–NE) and Certain Unidentified Market Participant Importer(s) of Installed Capacity pursuant to sections 205 and 206 of the Federal Power Act (FPA), and Rule 206 of the Commission's Rule of Practice and Procedure. In the complaint, the CTAG seeks an investigation, hearing, disgorgement and other appropriate penalties, as well as fast track processing, with regard to payment of

certain ISO–NE Market York AC Interface.

The CTAG certifies that copies of the complaint were served on the contacts for ISO–NE 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 May 11, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9604 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 459–243]

Union Electric Company, dba AmerenUE; Notice of Availability of Environmental Assessment

April 21, 2009.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application for non-project use of project lands and waters at the Osage Project (FERC No. 459) and has prepared an Environmental Assessment (EA) for the proposed non-project use. The non-project use of project lands and waters is located near mile marker 8.3+0.9 on Workman Hollow Cove on the Lake of the Ozarks, in Camden County, Missouri. The Osage Project is located in Benton, Camden, Miller, and Morgan counties, Missouri.

In the application, Union Electric Company, dba AmerenUE requests Commission approval to authorize Moonlight Properties, LLC to construct five multi-slip boat docks with 56 boat slips. The EA contains Commission staff's analysis of the probable environmental impacts of the proposal and concludes that approving the licensee's application, with staff's recommended environmental measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA is attached to a Commission order titled ''Order Modifying and Approving Non-Project Use of Project Lands and Waters,'' which was issued April 21, 2009, and is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''elibrary'' link. Enter the project number (prefaced by P-) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9602 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6034–000

Dyess, Kirby A.; Notice of Filing

April 21, 2009.

Take notice that on April 20, 2009, Kirby A. Dyess filed an application for authorization to hold interlocking positions, pursuant to Section 45 of the Commission's regulations, 18 CFR part 45 (2008).

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 May 11, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9607 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6023–000]

Swift, Richard J.; Notice of Filing

April 21, 2009.

Take notice that on April 10, 2009, Richard J. Swift filed an application for authorization to hold interlocking positions, pursuant to Section 45 of the Commission's regulations, 18 CFR part 45 (2008).

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 May 1, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9606 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–874–000]

Discount Power, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

April 21, 2009.

This is a supplemental notice in the above-referenced proceeding of Discount Power, Inc.'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 May 11, 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. E9–9605 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–1065–000; ER09–555–000]

Entergy Services, Inc.; Notice of Conference

April 17, 2009.

Take notice that the Federal Energy Regulatory Commission, in conjunction with the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, the Public Utility Commission of Texas, and the Council of the City of New Orleans, will host a conference on Wednesday, June 24, 2009, as mentioned in the order issued March 17, 2009, in Docket No. ER09–555–000.[1] The purpose of the conference is for the commissions, Entergy, the Southwest Power Pool, Inc.,[2] and stakeholders, to discuss the Independent Coordinator of Transmission arrangement and transmission access issues on Entergy's transmission system.

The conference will be held at the Charleston Place Hotel in Charleston, South Carolina. The conference is scheduled to begin at 9 a.m. (EST) and end at approximately 3 p.m.

Subsequent notices will be issued regarding further details and the agenda for this conference.

All interested parties are invited to attend. Pre-registration is not required. There is no fee to attend.

Transcripts of the conference will be available immediately for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646) and will be available for free on the Commission's eLibrary system and on the Calendar of Events approximately one week after the conference.

For additional information, please contact Penny Murrell at (202) 502–8531 or *penny.murrell@ferc.gov,* or Sam

[1] *Entergy Services, Inc.,* 126 FERC ¶ 61,227, at P 82 (2009).

[2] Entergy contracted with the Southwest Power Pool, Inc. to be its Independent Coordinator of Transmission.

Loudenslager at (501) 682–5824 or *sloudenslager@psc.state.ar.us.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9598 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–123–000]

Colorado Interstate Gas Company; Notice of Request Under Blanket Authorization

April 17, 2009.

Take notice that on April 9, 2009, Colorado Interstate Gas Company (CIG), P.O. Box 1087 Colorado Springs, CO 80944, filed a prior notice request pursuant to Parts 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to increase the maximum allowable operating pressure (MAOP), under CIG's blanket certificate issued in Docket No. CP83–21–000, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, CIG requests authorization to increase the MAOP of the Blue Spruce Lateral (Lateral) located in Adams County, CO. The Lateral is a 16-inch outside diameter pipeline approximately 1 mile in length. The Lateral is located in between CIG's Watkins compressor station and the Blue Spruce and the Red Maple meter stations. CIG requests authorization to uprate the MAOP of the Lateral from 920 psig to 1,200 psig on Line No. 251A.

Any questions regarding the application should be directed to Richard Derryberry, Director of Regulatory Affairs, Colorado Interstate Gas Company, P.O. Box 1087 Colorado Springs, CO 80944, phone: (719) 520–3782, fax: (719) 667–7534, e-mail: *CIGregulatoryaffairs@elpaso.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–9599 Filed 4–27–09; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0482; FRL–8898–3]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information Collection Activities Associated With SmartWay Transport Partnership; EPA ICR No. 2265.01, OMB Control No. 2060—NEW

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 29, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–0482 by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *E-mail: smartway_transport@epa.gov.*
- *Fax:* 202–343–2803
- *Mail:* SmartWay Transport Partnership, Environmental Protection Agency, Mailcode: 6406J, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Air Docket, EPA, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2007–0482. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *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 *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.*

FOR FURTHER INFORMATION CONTACT: Denise Kearns, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone: 734–214–4240; Fax: 734–214–4906; e-mail: *kearns.denise @epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–

HQ–OAR–2007–0482, which is available for online viewing at *www.regulations.gov*, or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air Docket is 202–566–1742.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Docket ID No. EPA–HQ–OAR–2007–0482

Affected entities: Entities potentially affected by this action include private and public organizations that join the SmartWay Transport Partnership; freight industry representatives who engage in activities related to the SmartWay Partnership; and representative samplings of consumers in the general public. These entities may be affected by EPA efforts to assess the effectiveness and value of the SmartWay program, awareness of the SmartWay brand, and ideas for improving and developing SmartWay.

Title: Information Collection Activities Associated with SmartWay Transport Partnership.

ICR numbers: EPA ICR No. 2265.01, OMB Control No. 2060–NEW.

ICR status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The EPA's Office of Air and Radiation (OAR) supports the SmartWay Transport Partnership, an energy conservation deployment program that aims to improve fuel efficiency and curb greenhouse gas emissions generated by the freight industry (air, rail, water, truck, transit, pipeline). OAR developed the SmartWay Transport Partnership under directives outlined in Subtitle D of the Energy Policy Act of 2005 which calls on EPA to assess the energy and air quality impacts of activities within the freight industry. These activities include long-duration truck idling, the development and promotion of strategies for reducing idling, fuel consumption, and negative air quality effects. SmartWay's objectives also are consistent with the Federal Technology Transfer Act and other laws that support collaborative partnerships between government and industry.

The partnership is open to organizations that own, operate, and contract fleet operations, including both truck carriers and shippers. ''Affiliate'' organizations that do not operate fleets, but that are working to strengthen the freight industry, such as industry trade associations, state and local transportation agencies and environmental groups, also may sign on as SmartWay partners.

All organizations that join SmartWay, including carriers, shippers and affiliates are asked to provide EPA with information.

Specifically, as a first step toward partnering with EPA, organizations that operate fleets, such as freight carriers, shippers and logistics management companies, commit to assessing and improving the environmental performance of their freight activities. A company joins SmartWay when it completes the Freight Logistics Environmental and Energy Transportation (FLEET) Performance Model and submits the model's results, along with a signed partnership agreement to EPA. The data outputs from the FLEET Model are used by companies to establish a baseline and set goals for reducing fuel and emissions over the next 3 years. Under their partnership agreement, companies also agree to annually update their FLEET model and to provide those updated results to EPA.

Data outputs from the FLEET Model are vital to the SmartWay Partnership for several reasons. First, the data provides confirmation that EPA's SmartWay Partners have set a baseline, established objectives and are meeting those objectives as outlined in their Partnership Agreement. The FLEET Model outputs also make it possible for EPA to assist our Partners in adjusting their commitments, as appropriate, and to update them with environmental performance and technology information that will empower them to improve their efficiency and achieve their environmental goals. This

information also improves EPA's knowledge and understanding of the environmental and energy impacts associated with goods movement, and the effectiveness of both proven and emerging strategies to lessen those impacts.

In addition to requesting FLEET Model data and annual updates on fuel consumption and environmental performance, EPA may ask its SmartWay Partners for other kinds of information. These requests for information may be made of all our SmartWay Partners, including our affiliates. Some examples of this kind of information could include opinions and test data on the effectiveness of new and emerging technology applications; numeric data on sales volumes associated with SmartWay recommended vehicle equipment and technologies; the reach and value of partnering with EPA through the SmartWay program; and awareness of the SmartWay brand. In some instances, EPA might also query other freight industry representatives (not just SmartWay Partners), including trade and professional associations, nonprofit environmental groups, energy, and community organizations, and schools and universities, and a small sampling of the general public.

Burden Statement: Total annual burden is estimated at 10,081 hours. The estimated number of Respondent Partners is 1,462 the first year, with a growth of 255 Partners per year projected into the future. The estimated average burden time per Respondent is 4.6 hours annually. EPA notes that this is a weighted average across all SmartWay Partners, regardless of whether they are affiliates, shippers, carriers, or logistics companies. The weighted average also includes 300 consumer and industry respondents who spend far less time, providing the SmartWay program with basic information on their awareness of the program.

Among Respondent Partners, the burden hours are typically higher for larger companies with more complex fleets, than for smaller companies. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: April 9, 2009.

Sarah Dunham,

Acting Director, Transportation and Regional Programs Division, Office of Transportation and Air Quality.

[FR Doc. E9–9652 Filed 4–27–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8898–2]

Science Advisory Board Staff Office; Notification of a Public Teleconference of the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter Review Panel; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office published a notice in the **Federal Register** of April 21, 2009 concerning a public teleconference of the Clean Air Scientific Advisory Committee (CASAC), Particulate Matter Review Panel. The notice contained an incorrect time of the teleconference.

FOR FURTHER INFORMATION CONTACT: Holly Stallworth, Designated Federal Officer, 202–343–9867.

Correction

In the **Federal Register** of April 21, 2009, in FR Doc. E9–9122, on page 18230, in the third column, correct the ''**DATES** caption to read:

DATES: The public teleconference will be held on Thursday, May 7, 2009 from 11 a.m. to 2 p.m. (Eastern Time).

Dated: April 22, 2009.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E9–9651 Filed 4–27–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, April 28, 2009, and Wednesday, April 29, 2009 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, *Telephone:* (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. E9–9473 Filed 4–27–09; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices, Acquisition of Shares of Bank or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. E9–9311 published on page 18576 of the issue for Thursday, April 23, 2009.

Under the Federal Reserve Bank of San Francisco heading, the entry for Don Rhee, Los Angeles, California, is revised to read as follows:

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. Don Rhee, Bok Kyung Rhee, and the Rhee Family Trust, all of Los Angeles, California; to acquire additional voting shares of Saehan Bancorp, and thereby indirectly acquire additional voting shares of Saehan Bank, both of Los Angeles, California.

Comments on this application must be received by May 8, 2009.

Board of Governors of the Federal Reserve System, April 23, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–9627 Filed 4–27–09; 8:45 am]

BILLING CODE 6210–01–S

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 May 22, 2009.

A. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Piedmont Bancorp, Inc., Norcross, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Republic Bank of Georgia, Lawrenceville, Georgia.

B. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. Southern Missouri Bancorp, Inc., Poplar Bluff, Missouri; to acquire 100 percent of the voting shares of Southern Bank of Commerce, Paragould, Arkansas.

Board of Governors of the Federal Reserve System, April 23, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E9–9626 Filed 4–27–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research

Summary: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Clinical Center, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 2, 2009, page 112 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health 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.

Proposed Collection: Title: The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* This study will assess the value of the training programs administered by the Office of Clinical Research Training and Medical Education. The primary objective of the survey is to determine if training programs have had an impact on whether the trainees are performing clinical research, hold an academic appointment, have National Institutes of Health funding sources as well as to obtain information from the trainees as to what part of the National Institutes of Health medical education program they feel could be improved upon, the quality of the mentoring program, and how their National Institutes of Health training has contributed to their current clinical competence. *Frequency of Response:* On occasion. *Affected Public:* Individuals and businesses. *Type of Respondents:* Physicians, dentists, medical students, dental students, nurses, and Ph.D.s. The annual reporting burden is as follows: *Estimated Number of Respondents:* 825. *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response:* 0.5; and *Estimated Total Annual Burden Hours Requested:* 412.5.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Doctoral Level	625	1	0.5	312.5
Students	100	1	0.5	50
Nurses	100	1	0.5	50
Total				412.5

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who

are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Linda Wisniewski, Office of Clinical Research Training and Medical Education, Clinical Center, Building 10, Room: 1N252B, 9000 Rockville Pike, Bethesda, MD 20892, or call 301–496–9425 or E-mail your request, including your address to: *wisniewskil@cc.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: April 16, 2009.

Laura Lee,

Project Clearance Liaison, Warren Grant Magnuson Clinical Center, National Institutes of Health.

[FR Doc. E9–9688 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0565]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Formal Dispute Resolution; Appeals Above the Division Level

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

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

DATES: Fax written comments on the collection of information by May 28, 2009.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0396. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3792.

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

Guidance for Industry on Formal Dispute Resolution; Appeals Above the Division Level—(OMB Control Number 0910–0396)—Extension

This information collection approval request is for an FDA guidance on the process for formally resolving scientific and procedural disputes in the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) that cannot be resolved at the division level. The guidance describes procedures for formally appealing such disputes to the office or center level and for submitting information to assist center officials in resolving the issue(s) presented. The guidance provides information on how the agency will interpret and apply provisions of the existing regulations regarding internal agency review of decisions (§ 10.75) and dispute resolution during the investigational new drug (IND) process (§ 312.48) and the new drug application/abbreviated new drug application (NDA/ANDA) process (§ 314.103). In addition, the guidance provides information on how the agency will interpret and apply the specific Prescription Drug User Fee Act (PDUFA) goals for major dispute resolution associated with the development and review of PDUFA products.

Existing regulations, which appear primarily in parts 10, 312, and 314 (21 CFR parts 10, 312, and 314), establish procedures for the resolution of scientific and procedural disputes between interested persons and the agency, CDER, and CBER. All agency decisions on such matters are based on information in the administrative file (§ 10.75(d)). In general, the information in an administrative file is collected under existing regulations in parts 312 (OMB Control No. 0910–0014), 314 (OMB Control No. 0910–0001), and part 601 (21 CFR part 601) (OMB Control No. 0910–0338), which specify the information that manufacturers must submit so that FDA may properly evaluate the safety and effectiveness of drugs and biological products. This information is usually submitted as part of an IND, NDA, or biologics license application (BLA), or as a supplement to an approved application. While FDA already possesses in the administrative file the information that would form the basis of a decision on a matter in dispute resolution, the submission of particular information regarding the request itself and the data and information relied on by the requestor in the appeal would facilitate timely resolution of the dispute. The guidance describes the following collection of information not expressly specified under existing regulations: The submission of the request for dispute resolution as an amendment to the application for the underlying product, including the submission of supporting information with the request for dispute resolution.

Agency regulations (§§ 312.23(11)(d), 314.50, 314.94, and 601.2) state that information provided to the agency as part of an IND, NDA, ANDA, or BLA is to be submitted in triplicate and with an appropriate cover form. Form FDA 1571 must accompany submissions under INDs and Form FDA 356h must accompany submissions under NDAs, ANDAs, and BLAs. Both forms have valid OMB control numbers as follows: FDA Form 1571—OMB Control No. 0910–0014, and FDA Form 356h—OMB Control No. 0910–0338.

In the guidance document, CDER and CBER ask that a request for formal dispute resolution be submitted as an amendment to the application for the underlying product and that it be submitted to the agency in triplicate with the appropriate form attached, either Form FDA 1571 or Form FDA 356h. The agency recommends that a request be submitted as an amendment in this manner for two reasons: To ensure that each request is kept in the administrative file with the entire underlying application and to ensure that pertinent information about the request is entered into the appropriate tracking databases. Use of the information in the agency's tracking databases enables the appropriate agency official to monitor progress on the resolution of the dispute and to

ensure that appropriate steps will be taken in a timely manner.

CDER and CBER have determined and the guidance recommends that the following information should be submitted to the appropriate center with each request for dispute resolution so that the center may quickly and efficiently respond to the request: (1) A brief but comprehensive statement of each issue to be resolved, including a description of the issue, the nature of the issue (i.e., scientific, procedural, or both), possible solutions based on information in the administrative file, whether informal dispute resolution was sought prior to the formal appeal, whether advisory committee review is sought, and the expected outcome; (2) a statement identifying the review division/office that issued the original decision on the matter and, if applicable, the last agency official that attempted to formally resolve the matter; (3) a list of documents in the administrative file, or additional copies of such documents, that are deemed necessary for resolution of the issue(s); and (4) a statement that the previous supervisory level has already had the opportunity to review all of the material relied on for dispute resolution. The information that the agency suggests submitting with a formal request for dispute resolution consists of: (1) Statements describing the issue from the perspective of the person with a dispute, (2) brief statements describing the history of the matter, and (3) the documents previously submitted to FDA under an OMB approved collection of information.

Based on FDA's experience with dispute resolution, the agency expects that most persons seeking formal dispute resolution will have gathered the materials listed previously when identifying the existence of a dispute with the agency. Consequently, FDA anticipates that the collection of information attributed solely to the guidance will be minimal.

Description of Respondents: A sponsor, applicant, or manufacturer of a drug or biological product regulated by the agency under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act who requests formal resolution of a scientific or procedural dispute.

Burden Estimate: Provided in table 1 of this document is an estimate of the annual reporting burden for requests for dispute resolution. Based on data collected from review divisions and offices within CDER and CBER, FDA estimates that approximately 13 sponsors and applicants (respondents) submit requests for formal dispute resolution to CDER annually and approximately 1 respondent submits requests for formal dispute resolution to CBER annually. The total annual responses are the total number of requests submitted to CDER and CBER in 1 year, including requests for dispute resolution that a single respondent submits more than one time. FDA estimates that CDER receives approximately 22 requests annually and CBER receives approximately 1 request annually. The hours per response is the estimated number of hours that a respondent would spend preparing the information to be submitted with a request for formal dispute resolution in accordance with this guidance, including the time it takes to gather and copy brief statements describing the issue from the perspective of the person with the dispute, brief statements describing the history of the matter, and supporting information that has already been submitted to the agency. Based on experience, FDA estimates that approximately 8 hours on average would be needed per response. Therefore, FDA estimates that 184 hours will be spent per year by respondents requesting formal dispute resolution under the guidance.

In the **Federal Register** of November 3, 2008 (73 FR 65385), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

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

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

Requests for Formal Dispute Resolution	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours Per Response	Total Hours
CDER	13	1.7	22	8	176
CBER	1	1	1	8	8
Total					184

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

Dated: April 21, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–9632 Filed 4–27–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Cellular, Tissue and Gene Therapies 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: Cellular, Tissue and Gene Therapies 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 May 14, 2009, from 8 a.m. to approximately 6 p.m. and on May 15, 2009, from 8 a.m. to approximately 1 pm.

Location: Hilton Hotel, Grand Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Gail Dapolito or Danielle Cubbage, Food and Drug Administration, 1401 Rockville Pike (HFM–71), Rockville, MD, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512389. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On May 14 in the morning, in open session, the Committee will discuss the potential for *Chlamydia trachomatis* and *Neisseria gonorrhea* transmission by human cells, tissues, and cellular and tissue-based

products (HCT/Ps) that are recovered from the reproductive system or gestational tissues (e.g., amnionic membrane and placenta, cells recovered from menstrual blood, foreskin, placental/umbilical cord blood derived cell products), or other sources. In the afternoon, in open session, the Committee will discuss animal models for porcine xenotransplantation products intended to treat Type 1 diabetes or acute liver failure. On May 15, in open session, the Committee will: (1) Receive an update on Guidance documents from the Office of Cellular, Tissue and Gene Therapies, Center for Biologics Evaluation and Research and the Center for Veterinary Medicine and (2) discuss clinical issues related to the FDA draft guidance ''Preparation of IDEs and INDs for Products Intended to Repair or Replace Knee Cartilage.''

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 7, 2009. Oral presentations from the public will be scheduled on May 14 between approximately 11 a.m. and 11:20 a.m. and between approximately 2 p.m. and 2:20 p.m. and on May 15 between approximately 10 a.m. and 10:20 a.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 6, 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 7, 2009.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gail Dapolito at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 17, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–9592 Filed 4–27–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Neurological Disorders and Stroke Special Emphasis Panel; Loan Repayment Program.

Date: April 30, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Joann McConnell, PhD, Scientific Review Administrator, Scientific Review Branch, NIH/NINDS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20892–9529, (301) 496–5324, *mcconnej@ninds.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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 21, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9691 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Advisory Neurological Disorders and Stroke Council; Training, Career Development, and Special Programs Subcommittee.

Date: May 27, 2009.

Open: 8 p.m. to 9:30 p.m.

Agenda: To discuss the training plan of the institute.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: 9:30 p.m. to 10 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: Stephen J. Korn, PhD, Training and Special Programs Officer, National Institute of Neurological Disorders and Stroke, National Institutes of Health, 6001 Executive Blvd., Suite 2154, MSC 9527, Bethesda, MD 20892–9527, (301) 496–4188.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov*, where an agenda and

any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 21, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9690 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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: Communication Disorders Review Committee.

Date: June 17–18, 2009.

Time: June 17, 2009, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Time: June 18, 2009, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Christoper A. Moore, PhD, Scientific Review Administrator, National Institute of Health, NIDCD, NIDCD, NIH, 6120 Executive Blvd., Suite 400C, Bethesda, MD 20892, 301–496–8683, *moorechristopher@nidcd.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 21, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9689 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; LRP Teleconference.

Date: May 5, 2009.

Time: 3 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Twinbrook Library, 5635 Fishers Lane, Suite 4076, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Keith McKenney, PhD, Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814. (301) 594–4280. *mckenneyk@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; CIDR Access Conflict Subcommittee.

Date: May 15, 2009.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Suite 4076, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852. (301) 402–0838. *pozzattr@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 21, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9687 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Software Systems to Facilitate the Use of Electronic Data Records.

Date: April 30, 2009.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6116 Executive Boulevard, Room 706, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kirt Vener, PhD, Branch Chief, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd., Room 8061, Bethesda, MD 20892–8329, 301–496–7174, *venerk@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Name of Committee: National Cancer Institute Special Emphasis Panel; Glycan Arrays for Biomarker Discovery and Validation.

Date: May 22, 2009.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6116 Executive Boulevard, Room 706, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Adriana Stoica, PhD, Scientific Review Officer, Special Review & Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd, Ste 703, Rm 7072, Bethesda, MD 20892–8329. 301–594–1408. *Stoicaa2@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Discovery and Development P01.

Date: June 17–18, 2009.

Time: 8:00 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Peter J. Wirth, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8131, Bethesda, MD 20892–8328, 301–496–7565, *pw2q@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Technologies Development for Cancer Research.

Date: July 7–8, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Adriana Stoica, PhD, Scientific Review Officer, Special Review & Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd, Ste 703, Rm 7072, Bethesda, MD 20892–8329, 301–594–1408, *Stoicaa2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 22, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9686 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Cancer Institute Special Emphasis Panel; Cellular and Tissue Oncology.

Date: June 4–5, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville Exec Mtg Ctr., 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Shakeel Ahmad, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8139, Bethesda, MD 20892–8328, (301) 594–0114, *Ahmads@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 22, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9685 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Biological Aging Review Committee.

Date: June 4–5, 2009.

Time: 4 p.m. to 4 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: Bita Nakhai, PhD, Scientific Review Administrator, Scientific Review Office, National Institute on Aging, Gateway Bldg., 2c212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov*.

Name of Committee: National Institute on Aging Initial Review Group; Behavior and Social Science of Aging Review Committee.

Date: June 4–5, 2009.

Time: 4 p.m. to 12 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: Jeannette L Johnson, PhD, Scientific Review Officer, National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2c–212, Bethesda, MD 20892, 301–402–7705.

Name of Committee: National Institute on Aging Initial Review Group; Neuroscience of Aging Review Committee.

Date: June 4–5, 2009.

Time: 4 p.m. to 4 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: William Cruce, PhD, Scientific Review Administrator, National Institute on Aging, Scientific Review Office, Gateway Building 2c–212, 7201 Wisconsin Ave., Bethesda, MD 20814, 301–402–7704, *crucew@nia.nih.gov*.

Name of Committee: National Institute on Aging Initial Review Group; Clinical Aging Review Committee.

Date: June 4–5, 2009.

Time: 6 p.m. to 4 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: Alicja L. Markowska, PhD, DSC, National Institute on Aging, National Institutes of Health, Gateway Building 2c212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 22, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9683 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the National Advisory Council for Complementary and Alternative Medicine (NACCAM) 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/or contract proposals and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Alternative Medicine.

Date: May 5, 2009.

Closed: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892 (Teleconference).

Contact Person: Martin H. Goldrosen, PhD, Executive Secretary, Director, Division of Extramural Activities, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 594–2014.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Dated: April 22, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9681 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Neurological Disorders and Stroke Council; Basic and Preclinical Programs Subcommittee.

Date: May 28, 2009.

Time: 8 a.m. to 10 a.m.

Agenda: To discuss basic and preclinical programs policy.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 7, Bethesda, MD 20892.

Contact Person: Jill E. Heemskerk, PhD, Acting Chief, Technology Development, National Institute of Neurological Disorders and Stroke, National Institutes of Health, 6001 Executive Boulevard, Suite 2229, MSC 9527, Bethesda, MD 20892–9527, (301) 496–1779, *jh440o@nih.gov*.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.ninds.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 21, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–9670 Filed 4–27–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Anesthesiology and Respiratory Therapy 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: Anesthesiology and Respiratory Therapy 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 May 28, 2009, from 8 a.m. to 5 p.m.

Location: Holiday Inn, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Neel J. Patel, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., 240–276–3700, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512624. 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 for the SEDASYS™ Computer-Assisted Personalized Sedation System sponsored by Ethicon Endo-Surgery, Inc. The device is indicated for the intravenous administration of 1% (10 milligrams/milliliters) propofol injectable emulsion for the initiation and maintenance of minimal to moderate sedation, as identified by the American Society of Anesthesiologists Continuum of Depth of Sedation, in adult patients (American Society of Anesthesiology physical status I, II, or III) undergoing colonoscopy and esophagogastroduodenoscopy procedures.

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 15, 2009. Oral presentations from the public will be scheduled for approximately 30 minutes at the beginning of the committee deliberations and for approximately 30 minutes near the end of committee deliberations. 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 6, 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 7, 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: April 22, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–9642 Filed 4–27–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Science Board to the Food and Drug Administration; 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: Science Board to the Food and Drug Administration (Science Board).

General Function of the Committee: The Science Board provides advice primarily to the Commissioner of Food and Drugs and other appropriate officials on specific complex and technical issues, as well as emerging issues within the scientific community in industry and academia. Additionally, the Science Board provides advice to the agency on keeping pace with technical and scientific evolutions in the fields of regulatory science, on formulating an appropriate research agenda, and on upgrading its scientific and research facilities to keep pace with these changes. It will also provide the means for critical review of agency sponsored intramural and extramural scientific research programs.

Date and Time: The meeting will be held on Monday, May 18, 2009, from 9 a.m. to 3 p.m.

Addresses: Hilton Washington DC/Rockville Hilton, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Carlos Peña, Office of the Commissioner, Food and Drug Administration (HF–33), 5600 Fishers Lane, Rockville, MD 20857, 301–827–6687, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512603. 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 Science Board will hear about and discuss updates from the following subcommittees: (1) The review of each Center's projects within scientific priority areas, (2) the review of research at the Center for Veterinary Medicine, and (3) the review of FDA's scientific information technology infrastructure modernization initiatives. The Science Board will also hear updates on rapid detection of Salmonella in foods and the handling of biospecimens used for genomic and proteomic analyses.

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 11, 2009. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 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 7, 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 8, 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 Dr. Carlos Peña 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: April 22, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–9643 Filed 4–27–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Neurological 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: Neurological 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 May 14, 2009, from 8 a.m. to 5 p.m.

Location: Holiday Inn, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Peter L. Hudson, Center for Devices and Radiological Health, (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–3737, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512513. 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 for the DuraSeal Xact™ Sealant System, sponsored by Confluent Surgical Inc. This device is indicated for use as an adjunct to sutured dural repair to obtain watertight closure during spinal surgery.

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 April 30, 2009. Oral presentations from the public will be scheduled for 30 minutes at the beginning of the committee deliberations and for 30 minutes near the end of the deliberations. 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 April 28, 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 April 29, 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 Ms. 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: April 22, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–9641 Filed 4–27–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegation of Authority

Notice is hereby given that I delegate to the Director of the Office of Refugee Resettlement the following authority delegated to the Assistant Secretary for Children and Families by the Secretary of the Department of Health and Human Services (HHS) under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, section 235.

(a) Authority Delegated

1. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(a)(1) to work in conjunction with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, to develop policies and procedures to ensure that unaccompanied alien children (UAC) are safely repatriated to their country of nationality or of last habitual residence.

2. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(a)(5)(A) to work in conjunction with the Secretary of State and the Secretary of Homeland Security, nongovernmental organizations, and other national and international agencies and experts, to create a pilot program to develop and implement best practices for the repatriation and reintegration of UAC.

3. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(b)(1) to provide care and custody of all UAC, except as otherwise provided under section 235(a), including responsibility for their detention, where appropriate.

4. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(b)(4) to develop age determination procedures in consultation with the Secretary of Homeland Security.

5. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(1) to establish policies and programs to ensure that UAC are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful or exploitative activity.

6. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(2) to place an unaccompanied alien child in the least restrictive setting that is in the best interest of the child. In making such placements, personnel in the Administration for Children and Families may consider danger to self, danger to the community, and risk of flight. Concerning placements in a secure facility, the personnel in the Administration for Children and Families shall review the placements, at a minimum, on a monthly basis to determine if such placements remain warranted. Placement of child trafficking victims may include placement in an Unaccompanied Refugee Minor (URM) program, pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)).

7. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(3)(A) to place an unaccompanied alien child with a custodian upon determining that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child and an independent finding that the custodian has not engaged in any activity that would pose a potential risk to the child.

8. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(3)(B) to conduct a home study for a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability, a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

9. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(3)(B) to conduct follow-

up services, during the pendency of removal proceedings, on children for whom a home study was conducted, and to conduct follow-up services for those UAC with mental health or other needs.

10. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(4) to cooperate with the Executive Office for Immigration Review (EOIR) to ensure that custodians of UAC receive legal orientation presentations through the Legal Orientation Program administered by EOIR.

11. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(5) to ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that UAC who are or have been in the custody of the Secretary or the Secretary of Homeland Security, and who are not described in section 235(a)(2)(A), have counsel. To the greatest extent practicable, personnel in the Administration for Children and Families shall make every effort to use the services of pro bono counsel who agree to provide representation to such UAC without charge.

12. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(c)(6) to appoint independent child advocates for child trafficking victims or other vulnerable UAC.

13. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(d)(1) to specifically consent to juvenile court jurisdiction for an unaccompanied alien child who is applying for special immigrant status pursuant to section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who is in the custody of the Secretary.

14. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(d)(4)(A) to make eligible for placement and services under a URM program pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) children granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who were either in the custody of the Secretary or who were receiving services pursuant to section 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time a dependency order was granted.

15. Authority under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 section 235(e) to train Federal personnel, and upon request, State and local personnel, who have substantive contact with UAC.

(b) Limitations

1. This delegation shall be exercised under the Department's existing delegation of authority and policy on regulations.

2. This delegation shall be exercised under financial and administrative requirements applicable to all Administration for Children and Families authorities.

(c) Effective Date

This delegation of authority is effective on date of signature.

In addition, I hereby affirm and ratify any actions taken by the Director of the Office of Refugee Resettlement, which, in effect, involved the exercise of these authorities prior to the effective date of this delegation.

Dated: April 1, 2009.

Curtis L. Coy,

Acting Assistant Secretary for Children and Families.

[FR Doc. E9–9692 Filed 4–27–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegation of Authority

Notice is hereby given that I delegate to the Director of the Office of Refugee Resettlement the following authority delegated to the Assistant Secretary for Children and Families by the Secretary of the Department of Health and Human Services under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, section 212.

(a) Authority Delegated

1. Authority to provide interim assistance to children who may have been subjected to a severe form of trafficking and to conduct activities related to eligibility letters under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, section 212(a)(2). In exercising the authority to conduct activities related to eligibility letters, personnel in the Administration for Children and Families will consult with the Attorney General, the Secretary of Homeland Security and nongovernmental organizations with expertise on victims of trafficking.

2. Authority to train Federal staff and State and local officials to improve identification and protection for trafficking victims under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, section 212(b)(1) and (2).

(b) Limitations

1. This delegation shall be exercised under the Department's existing delegation of authority and policy on regulations.

2. This delegation shall be exercised under financial and administrative requirements applicable to all Administration for Children and Families authorities.

(c) Effective Date

This delegation of authority is effective on date of signature.

Dated: April 10, 2009.

Curtis L. Coy,

Acting Assistant Secretary for Children and Families.

[FR Doc. E9–9693 Filed 4–27–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–9, Extension of an Existing Information Collection, Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form I–9, Employment Eligibility Verification; OMB Control No. 1615–0047.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on December 17, 2008, at 73 FR 76505 (page 76510), allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged

and will be accepted until May 28, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0047 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Employment Eligibility Verification.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–9. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form was developed to facilitate compliance with section 274A of the Immigration and Nationality Act, which prohibits the knowing employment of unauthorized aliens. The information collected is used by employers or by recruiters for enforcement of provisions of immigration laws that are designed to control the employment of unauthorized aliens.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* This figure was derived by multiplying the number of respondents (78,000,000) × frequency of response (1) × hour per response (9 minutes or 0.15 hours). The annual record keeping burden is added to the total annual reporting burden which is based on 20,000,000 record keepers at (3 minutes or .05 hours) per filing.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 12,700,000 annual burden hours.

If you need a copy of the proposed information collection instrument with instructions, or additional information, please visit: *http://www.regulations.gov/search/index.jsp*

If additional information is required contact: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, Washington, DC 20529–2210, (202) 272–8377.

Dated: April 23, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–9619 Filed 4–27–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2470–09; DHS Docket No. USCIS–2009–0008]

RIN 1615–ZA83

Form I–90, Application To Replace Permanent Resident Card, Change of Filing Locations

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

ACTION: Notice.

SUMMARY: U.S. Citizenship and Immigration Services (USCIS) is changing the filing location for the Form I–90, Application to Replace Permanent Resident Card. Upon the effective date of this notice, you must mail all paper versions of the Form I–90, including any initial evidence or supporting documentation, to the designated Lockbox facility located in Phoenix, Arizona, instead of to the Lockbox facility in Los Angeles, California, or to any USCIS Service Center.

DATES: This notice is effective on April 28, 2009.

FOR FURTHER INFORMATION CONTACT: Kathleen Stanley, Lockbox Project Manager, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., 4th Floor, Washington, DC 20529–2130. Telephone Number: (202) 272–8191.

SUPPLEMENTARY INFORMATION:

What is the purpose of the Form I–90?

Form I–90, Application to Replace Permanent Resident Card, is used to apply for a renewal or replacement Form I–551, Permanent Resident Card. The Permanent Resident Card is commonly referred to as a ''green card.'' The specific requirements to obtain a replacement or renewal Permanent Resident Card are set forth in 8 CFR 264.5 and the procedures for filing are provided in the instructions to the Form I–90.

Why is a Permanent Resident Card necessary?

The Permanent Resident Card provides evidence that USCIS granted the bearer lawful permanent residence in the United States. Section 264(d) of the Immigration and Nationality Act (the Act) provides that ''Every alien in the United States who has been registered and fingerprinted * * * shall be issued a certificate of alien registration or an alien registration receipt card in such form and manner and at such time as shall be prescribed under regulations * * *.'' The Act also provides that ''Every alien, eighteen years of age and over, shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him * * * Any alien who fails to comply with [these] provisions shall be guilty of a misdemeanor * * *.'' *See* section 264(e) of the Act, 8 U.S.C. 1304(E). You can find the specific requirements and procedures for applying to renew or replace a Permanent Resident Card at 8 CFR 264.5.

Explanation of Changes

Which applicants for replacement or renewal of Permanent Resident Cards are affected by this notice?

This notice affects any lawfully admitted permanent resident filing a paper Form I–90 to apply for renewal or replacement of his or her Permanent Resident Card. Instructions for filing a Form I–90 electronically remain unchanged. For information on electronically filing your Form I–90 please visit our Web site at *http://www.uscis.gov.*

Where must I file Form I–90?

You must mail your paper Form I–90, Application to Replace Permanent Resident Card, including any initial evidence and supporting documentation, to the designated lockbox facility in Phoenix, Arizona.

The Phoenix Lockbox address is: USCIS, P.O. Box 21262, Phoenix, AZ 85036.

For U.S. Postal Service (USPS) Express Mail/courier deliveries, use the following address: USCIS, ATTN: I–90, 1820 Skyharbor, Circle S Floor 1, Phoenix, AZ 85034.

What happens if I mail a Form I–90 to the wrong location?

USCIS will forward your Form I–90 to the Phoenix Lockbox facility for the first 30 calendar days after this notice is published. Forwarded applications will be considered properly filed when received at the Phoenix Lockbox facility. After the 30 calendar-day transition period, a Form I–90 mailed to a location other than the Phoenix Lockbox facility will be handled as follows:

- If you use the USPS to mail a Form I–90 to the previous USCIS California Lockbox address after the 30-day transition period, the USPS will forward it to the Phoenix Lockbox. This forwarding period will last approximately 90 calendar days.
- If you use a courier service to deliver a Form I–90 to the previous USCIS California Lockbox address after the 30-day transition period, it will be returned to you by the respective courier service. Courier services will not forward a package to another address.
- If you mail a Form I–90 application to a USCIS Service Center after the 30-day transition period, it will be returned to you with a note explaining that you must send the application to the correct address. The note will include the correct mailing address.

You should make every effort to mail your application to the correct address.

Where will I find the new Form I–90 instructions containing the Phoenix Lockbox Facility address?

You can find the revised form instructions at *http://www.uscis.gov* on April 28, 2009.

Does this Notice make any changes relating to my eligibility for renewing or replacing a Permanent Resident Card?

No. This notice only changes the filing location of Form I–90 and requires you to submit all initial evidence and supporting documentation with your application. This will eliminate bringing supporting documentation with you to your Application Support Center (ASC) appointment.

Am I still required to appear at my local ASC if I am renewing or replacing my card?

Yes. You will receive an ASC Appointment Notice with the date and time to appear for biometrics processing.

What do I need to bring to the ASC biometrics appointment?

You must bring the following items to your biometrics appointment:

- Biometrics appointment notice,
- Photo identification (e.g., a passport, driver's license, military ID, or other identity document containing your name, date of birth, photograph, and signature), and
- Your current Permanent Resident Card.

Paperwork Reduction Act

This notice does not impose any new reporting or recordkeeping requirements. The Office of Management and Budget (OMB) previously approved the use of this information collection. The OMB control number for Form I–90 is contained in 8 CFR 299.5, Display of control numbers. USCIS provided OMB with a copy of the amended form and an OMB 83C (Correction Worksheet) through the automated Regulatory Information Service Center (RISC) and Office of Information and Regulatory Affairs (OIRA) Combined Information System (ROCIS). OMB approved the changes.

Dated: April 21, 2009.

Michael Aytes,

Acting Deputy Director.

[FR Doc. E9–9620 Filed 4–27–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5310–N–02]

Conference Call Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of upcoming meeting via conference call.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the Committee) to be held via telephone conference. This meeting is open to the general public, which may participate by following the instructions below.

DATES: The conference call meeting will be held on Thursday, May 7, 2009, from 11 a.m. to 2 p.m. eastern daylight time.

ADDRESSES: Information concerning the conference call can be obtained from the Department's Consensus Committee Administering Organization, the National Fire Protection Association (NFPA). Interested parties can link onto the NFPA Web site for instructions concerning how to participate, and for contact information for the conference call, in the section marked ''Highlights'' ''Manufactured Housing Consensus Committee Information'' ''Administering Organization''. The link can be found at: *http://www.hud.gov/offices/hsg/sfh/mhs/mhcc.cfm.*

Alternately, interested parties may contact Jill McGovern of NFPA at (617) 984–7404 (this is not a toll-free number) for conference call information.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Associate Deputy Assistant Secretary, Office of Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with Sections 10(a) and (b) of the Federal Advisory Committee Act (5 U.S.C. App. 2) and 41 CFR 102–3.150. The Manufactured Housing Consensus Committee was established under Section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5403(a)(3). The

Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured home construction and safety standards and procedural and enforcement regulations, and with developing and recommending proposed model installation standards to the Secretary.

The purpose of this conference call meeting is for the Committee to review and provide comments to the Secretary on a draft proposed rule for the On-Site Completion of Construction of Manufactured Homes.

Tentative Agenda

A. Roll Call
B. Welcome and Opening Remarks
C. Public Testimony
D. Full Committee meeting and take actions on:
  1. Carbon monoxide detectors
  2. Duct testing proposal
  3. Proposed bylaw changes
E. Adjournment

Dated: April 22, 2009.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E9–9584 Filed 4–27–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LL WO31000–L13100000.PP0000–24–1A; OMB Control Number 1004–0034]

Information Collection; Transfer of Interest in a Lease for Oil and Gas or Geothermal Resources

AGENCY: Bureau of Land Management.

ACTION: 30-Day Notice and Request for Comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) for a 3-year extension of OMB Control Number 1004–0034 under the Paperwork Reduction Act. The respondents are persons who wish to transfer an interest in an oil and gas or geothermal lease under the terms of mineral leasing laws.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. Therefore, written comments should be received on or before May 28, 2009.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0034), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *oira_docket@omb.eop.gov.*

Please mail a copy of your comments to:

BLM Information Collection Clearance Officer (WO–630), Department of the Interior, 1849 C Street, NW., Mail Stop 401 LS, Washington, DC 20240.

You may also send a copy of your comments by electronic mail to *jean_sonneman@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Barbara Gamble, Division of Fluid Minerals, at 202–452–0338 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

Title: Oil and Gas Lease Transfers by Assignment or Operating Rights (Sublease).

OMB Number: 1004–0034.

Form Numbers: 3000–3; 3000–3a.

Abstract: The BLM uses Form 3000–3 to process transfers of interest in oil and gas or geothermal leases by assignment of record title interest. The BLM uses Form 3000–3a to process transfers of operating rights (subleases) in oil and gas or geothermal leases. The information collected enables the BLM to identify the interest that is proposed to be assigned or transferred, to determine whether the proposed assignee or transferee is qualified to obtain the interest sought, and to ensure that the proposed assignee or transferee does not exceed statutory acreage limitations.

60-Day Notice: On November 20, 2008, the BLM published a 60-day notice (73 FR 70362) requesting comments on the proposed information collection. The comment period ended January 20, 2009. No comments were received.

Current Action: This proposal is being submitted to extend the expiration date of April 30, 2009.

Type of Review: 3-year extension.

Affected Public: Businesses and other for-profit entities.

Obligation to Respond: Required to obtain or retain benefits.

Estimated Number of Annual Responses: 60,000.

Estimated Time per Response: 3000–3, 30 minutes; 3000–3a, 30 minutes.

Estimated Total Annual Burden Hours: 30,000.

The BLM requests comments on the following subjects:

(1) Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

(2) The accuracy of the BLM's estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) The quality, utility, and clarity of the information collected; and

(4) How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology. Please send comments to the addresses listed under **ADDRESSES**. Please refer to OMB control number 1004–0034 in your correspondence. 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.

Jean Sonneman,

Bureau of Land Management, Acting Information Collection Clearance Officer.

[FR Doc. E9–9631 Filed 4–27–09; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–100–09–0777–XX]

Notice of Public Meetings, Northwest Colorado Resource Advisory Council Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest Colorado Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Northwest Colorado RAC has scheduled meetings for May 28, 2009; August 20, 2009; and December 3, 2009.

ADDRESSES: The Northwest Colorado RAC meetings will be held May 28, 2009, in Browns Park, CO, at Lodore Hall, 50 miles west of Maybell on Colorado Highway 318; August 20, 2009, in Meeker, CO, at the Meeker Community Center, 101 Ute Rd.; and

December 3, 2009, in Silt at the BLM Field Office, River Frontage Rd.

All Northwest Colorado RAC meetings will begin at 8 a.m. and adjourn at approximately 3 p.m., with public comment periods regarding matters on the agenda at 10 a.m. and 2 p.m.

FOR FURTHER INFORMATION CONTACT: David Boyd, Public Affairs Specialist, 50629 Hwy. 6&24, Glenwood Springs, CO, telephone 970–947–2832.

SUPPLEMENTARY INFORMATION: The Northwest Colorado RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues in Colorado.

Topics of discussion during Northwest Colorado RAC meetings may include the BLM National Sage Grouse Conservation Strategy, working group reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, wild horse herd management, land exchange proposals, cultural resource management, and other issues as appropriate.

These meetings are open to the public. The public may present written comments to the RACs. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Jamie Connell,

Northwest Colorado District Manager, Lead Designated Federal Officer for the Northwest Colorado RAC.

[FR Doc. E9–7938 Filed 4–27–09; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–637]

In the Matter of Certain Hair Irons and Packaging Thereof; Notice of Commission Decision Not To Review an Initial Determination; Schedule for Submissions: Extension of Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review a final initial determination (''ID'') (Order No. 14) issued by the presiding administrative law judge (''ALJ'') finding a violation of Section 337. The Commission has extended the target date for completion of this investigation by 17 days, *i.e.,* until June 29, 2009.

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3104. Copies of the public version of the ID and all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On March 14, 2008, the Commission instituted this investigation, based on a complaint filed by Farouk Systems, Inc. (''FSI'') of Houston, Texas. The respondents named in the notice of investigation were: CHI Systems Singapore Pte. Ltd. of Singapore (''CHI Systems''); Princess Silk, LLC (''Princess Silk'') of Lake Forest, California; Kamashi International of Hong Kong, China (''Kamashi''); Mount Rise Ltd. (''Mount Rise'') of Dongguan, China; and Dongguan Fumeikang Electrical Technology Co., Ltd. (''Dongguan Fumeikang'') of Dongguan, China. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. On May 21, 2008, Dongguan Fumeikang was terminated from this investigation on the basis of a consent order. See Order No. 8. The Commission determined not to review Order No. 8 on June 13, 2008. On December 4, 2008, Princess Silk was terminated from this investigation on the basis of a consent order. See Order No. 11. The Commission determined not to review Order No. 11 on December 23, 2008.

On November 10, 2008, FSI filed a motion requesting an order directing the remaining respondents, Mount Rise, Kamashi, and CHI Systems, to show cause why they should not be found in default for failure to respond to the complaint and Notice of Investigation. On December 5, 2008, the ALJ issued Order No. 12, which ordered Mount Rise, Kamashi and CHI Systems to show cause why they should not be found in default. No responses to Order No. 12 were filed. On January 30, 2009, the ALJ issued Order No. 13, an ID granting FSI's motion to find Mount Rise, Kamashi, and CHI Systems in default for failure to respond to Order No. 12. No petitions for review were filed. The Commission determined not to review Order No. 13.

FSI also filed a motion for summary determination of violation by Mount Rise, Kamashi, and CHI Systems on November 10, 2008. These entities were the last remaining respondents, the investigation having been terminated based on consent orders with respect to all other respondents. Pursuant to Commission Rule 210.16(c)(2), 19 CFR 216(c)(2), FSI declared that it would seek a general exclusion order when it filed its motion for summary determination of violation.

On March 10, 2009, the ALJ issued the subject ID, Order No. 14, granting FSI's motion for summary determination of violation. He also issued his recommendations on remedy and bonding. No petitions for review were filed. The Commission has determined not to review Order No. 14. The Commission has also determined to extend the target date for completion of the investigation by 17 days, *i.e.,* until June 29, 2009.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission

will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the HTSUS numbers under which the accused products are imported.

Written submissions must be filed no later than close of business on May 8, 2009. Reply submissions must be filed no later than the close of business on May 15, 2009. Such submissions should address the ALJ's recommended determinations on remedy and bonding which were made in Order No. 14 (March 10, 2009). No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.16 and 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.16; 210.42–46).

By order of the Commission.

Issued: April 21, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E9–9625 Filed 4–27–09; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[USITC SE–09–013]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 8, 2009 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–456 and 731–TA–1151–1152 (Final) (Citric Acid and Certain Citrate Salts from Canada and China)—briefing and vote. (The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the Secretary of Commerce on or before May 18, 2009.)
5. Inv. No. 731–TA–1013 (Review) (Saccharin from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before May 21, 2009.)
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 24, 2009.

By order of the Commission.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E9–9754 Filed 4–24–09; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0065]

Agency Information Collection Activities: Existing Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Extension of a Currently Approved Collection; National Corrections Reporting Program.

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until June 29, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact William J. Sabol, PhD, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–514–1062).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* National Corrections Reporting Program. The collection includes the forms: Prisoner Admission Report, Prisoner Release Report, Parole Release Report, Prisoner in Custody at Year-end.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form number(s): NCRP–1A, NCRP–1B, NCRP–1C, and NCRP–1D. Corrections Statistics Unit, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The National Corrections Reporting Program (NCRP) is the only national data collection furnishing annual individual-level information for State prisoners admitted or released during the year, those in custody at year-end, and persons discharged from parole supervision. The NCRP collects data on sentencing, time served in prison and on parole, offense, admission/release type, and demographic information. BJS, the Congress, researchers, and criminal justice practitioners use these data to describe annual movements of adult offenders through State correctional systems. Providers of the data are personnel in the State Departments of Corrections and Parole.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS anticipates 41 respondents for report year 2009 with a total annual burden of 1,666 hours. Magnetic media or other electronic formats are expected from all 41 respondents. Each respondent will require an estimated 24 hours of time to supply the information for their annual caseload and an additional 2 hours documenting or explaining the data. The estimate of respondent burden for these States includes time required for modifying computer programs, preparing input data, and documenting the tape format and record layout.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,066 total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: April 23, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–9653 Filed 4–27–09; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0015]

Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: 60-day Notice of Information Collection Under Review: Extension of current collection: Hate Crime Incident Report; Quarterly Hate Crime Report.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until June 29, 2009. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* Hate Crime Incident Report and the Quarterly Hate Crime Report.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms 1–699 and 1–700; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, and tribal law enforcement agencies.

This collection is needed to collect information on hate crime incidents committed throughout the United States. Data are tabulated and published in the annual Crime in the United States and Hate Crime Statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 13,242 law enforcement agency respondents with an estimated response time of 9 minutes.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 7,945 hours, annual burden, associated with this information collection.

If additional information is required contact: Ms. Lynn Bryant, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: April 23, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–9654 Filed 4–27–09; 8:45 am]

BILLING CODE 4410–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–8027; NRC–2008–0300]

Notice of License Amendment for the Sequoyah Fuels Corporation's Facility at Gore, OK

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Action.

FOR FURTHER INFORMATION CONTACT: Ken Kalman, Project Manager, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; Telephone: (301) 415–6664; fax number: (301) 415–5369; e-mail: *kenneth.kalman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of a license amendment to Sequoyah Fuels Corporation (SFC or licensee) for License No. SUB–1010. This action will approve the licensee's Reclamation Plan for its Gore, Oklahoma site, thereby authorizing (1) the excavation of contaminated soil and buried waste located there; and (2) the construction of an onsite disposal cell to isolate these wastes from the environment. In cooperation with the Environmental Protection Agency, the NRC in May 2008 published NUREG–1888, an Environmental Impact Statement (EIS) in support of this site reclamation action.

II. Proposed Action

Approval of the Reclamation Plan will facilitate decommissioning and the eventual termination of License No. SUB–1010. Remediation of existing ground water contamination is not part of the proposed action. SFC has submitted a ground water corrective action plan that is still under NRC staff review. However, implementation of the Reclamation Plan will facilitate the subsequent clean-up of the site's ground water.

As identified by SFC, the proposed reclamation consists of the following elements:

- Construction of an above-grade, engineered disposal cell on the SFC site for permanent disposition of the SFC decommissioning and reclamation wastes;
- Removal of sludges and sediments from the ponds and lagoons, excavation of buried low-level wastes, removal of stored soils and debris, and placement of these materials into the disposal cell;
- Dismantlement of process equipment, followed by recovery of gross quantities of contained uranium;
- Size reduction/compaction of process equipment, piping, and structural materials (including scrap metal, empty drums, and packaged wastes that will accumulate before decommissioning) to satisfy disposal requirements for maximum void volume;
- Dismantlement/demolition of structures except for the new SFC administrative office building and the storm water impoundment;
- Demolition of concrete floors, foundations, and storage pads and asphalt or concrete paved roadways outside the footprint of the cell;
- Removal of clay liners and/or contaminated soils from under impoundments;
- Excavation of underground utilities, contaminated sand backfill from utility trenches and building foundation areas, and more highly contaminated soils under the cell footprint;
- Excavation of contaminated soils lying outside the footprint of the disposal cell that exceed site-specific radiological cleanup criteria;
- Handling and treatment of produced ground water and storm water during cell construction;
- Placement of all SFC decommissioning wastes into the onsite disposal cell, followed by capping and closure of the cell; and
- Regrading of the site, backfilling of excavations to the finished grade, and revegetation.

III. NRC Review

The NRC staff reviewed the licensee's reclamation plan in accordance with NUREG–1620, ''Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978,'' Final Revision 1, issued June 2003. The review is a comprehensive assessment of SFC's reclamation plan. Most of the contaminated material is classified under Appendix A to 10 CFR part 40 as Section 11e.(2) byproduct material. Appendix A to 10 CFR part 40 contains the technical requirements for disposition of Section 11e.(2) byproduct material. Following the guidance provided in NUREG–1620, the NRC staff's review of SFC's reclamation plan was organized by the technical disciplines involved in the assessment of the reclamation plan to ensure compliance with Appendix A. The staff's review covered such considerations as geologic, seismic, geotechnical, and surface erosional aspects of long-term stability, the compliance with ground water standards, radiation protection including radon emanation controls, and SFC's proposal to include placing the onsite radioactive waste that cannot be classified as 11e.(2) byproduct material in the disposal cell.

SFC's request for the proposed amendment was previously noticed in the **Federal Register** on May 28, 2008 (73 FR 30646–30647) with a Notice of an Opportunity to Request a Hearing. No comments or request for a hearing were received.

The EIS documented the NRC staff's determination that all steps in the proposed reclamation could be accomplished in compliance with the NRC public and occupational dose limits, effluent release limits, and residual radioactive material limits. In addition, the EIS concluded that approval of the proposed action, in accordance with the commitments in NRC License SUB–1010 and the final reclamation plan, would not result in a significant adverse impact on the environment.

The safety findings (required by the Atomic Energy Act of 1954, as amended) necessary to support the approval of the Reclamation Plan are documented in a Safety Evaluation Report (SER) that will be issued in connection with this license amendment.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: SFC's letter to NRC dated January 4, 2008, ML080220345; Final EIS prepared for this action, ML081300103; **Federal Register** Notice

for this license amendment, ML090780157, and Safety Evaluation Report, ML090260323. 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 reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*.

Any questions should be referred to Kenneth Kalman, Division of Waste Management and Environmental Protection, U.S. Nuclear Regulatory Commission, Washington DC 20555, Mailstop T–8F5, telephone (301) 415–6664, fax (301) 415–5369.

Dated at Rockville, Maryland, this 20th day of April 2009.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E9–9624 Filed 4–27–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of April 27, May 4, 11, 18, 25, June 1, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of April 27, 2009

There are no meetings scheduled for the week of April 27, 2009.

Week of May 4, 2009—Tentative

There are no meetings scheduled for the week of May 4, 2009.

Week of May 11, 2009—Tentative

Thursday, May 14, 2009

9 a.m.

Briefing on the Results of the Agency Action Review Meeting (Public Meeting) (Contact: Shaun Anderson, 301–415–2039).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Week of May 18, 2009—Tentative

There are no meetings scheduled for the week of May 18, 2009.

Week of May 25, 2009—Tentative

Wednesday, May 27, 2009

9:30 a.m.

Briefing on External Safety Culture (Public Meeting) (Contact: Stewart Magruder, 301–415–8730).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Wednesday, May 27, 2009

1:30 p.m.

Briefing on Internal Safety Culture (Public Meeting) (Contact: June Cai, 301–415–5192).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Thursday, May 28, 2009

9:30 a.m.

Briefing on Fire Protection Closure Plan (Public Meeting) (Contact: Alex Klein, 301–415–2822).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Week of June 1, 2009—Tentative

Wednesday, June 3, 2009

9:30 a.m.

Briefing on New Reactor Issues—Component Fabrication and Oversight—Part 1 (Public Meeting).

1:30 p.m.

Briefing on New Reactor Issues—Component Fabrication and Oversight—Part 2 (Public Meeting) (Contact for both parts: Roger Rihm, 301–415–7807).

Both parts of this meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Thursday, June 4, 2009

9:30 a.m.

Briefing on Digital Instrumentation and Control (Public Meeting) (Contact: Steve Arndt, 301–415–6502).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

1:30 p.m.

Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Tanny Santos, 301–415–7270).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html*.

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This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: April 23, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9–9751 Filed 4–24–09; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Extension of Existing Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Interagency Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Activities, OMB Control No. 3235–0622, SEC File No. 270–560.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in the proposed Interagency Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Activities (''Statement'') under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'') and the Investment Advisers Act of 1940 (15 U.S.C. 80b *et seq.*) (''Advisers Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The Statement was issued by the Commission, together with the Office of

the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision (together, the ''Agencies''), in May 2006. The Statement describes the types of internal controls and risk management procedures that the Agencies believe are particularly effective in assisting financial institutions to identify and address the reputational, legal, and other risks associated with elevated risk complex structured finance transactions.

The primary purpose of the Statement is to ensure that these transactions receive enhanced scrutiny by the institution and to ensure that the institution does not participate in illegal or inappropriate transactions.

The Commission estimates that approximately 5 registered broker-dealers or investment advisers will spend an average of approximately 25 hours per year complying with the Statement. Thus, the total compliance burden is estimated to be approximately 125 burden-hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*.

Dated: April 20, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9554 Filed 4–27–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28700; File No. 813–00274]

William Blair & Company, L.L.C. and Wilblairco II, L.L.C.; Notice of Application

April 22, 2009.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') granting an exemption from all provisions of the Act, except section 9 and sections 36 through 53 of the Act and the rules and regulations under those sections. With respect to sections 17 and 30 of the Act, and the rules and regulations thereunder, and rule 38a–1 under the Act, the exemption is limited as set forth in the application.

SUMMARY OF APPLICATION: Applicants request an order to exempt certain limited partnerships and other investment vehicles formed for the benefit of eligible employees of William Blair & Company, L.L.C. (''Blair'') and its affiliates from certain provisions of the Act. Each limited partnership or other investment vehicle will be an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act.

APPLICANTS: Blair and Wilblairco II, L.L.C. (the ''Initial Company'').

FILING DATES: The application was filed on June 8, 2000, and amended on March 11, 2004, May 15, 2007, January 25, 2008, May 27, 2008 and April 10, 2009.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 19, 2009, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, 222 West Adams Street, Chicago, Illinois 60606.

INFORMATION CONTACT: Laura J. Riegel, Senior Counsel, at (202) 551–6873, or Julia Kim Gilmer, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Blair, a Delaware limited liability company, is an investment firm that offers investment banking, equity research, institutional banking, institutional and private brokerage, asset management and private capital to various clients. Blair and its ''affiliates,'' as defined in rule 12b–2 under the Securities Exchange Act of 1934 (''Exchange Act''), are referred to collectively as ''WB Group'' and individually as a ''WB Entity.''

2. The Initial Company is a Delaware limited liability company. Blair may form in the future other investment vehicles identical in all material respects to the Initial Fund (other than specific investment terms, investment objectives and strategies and form of organization) (together with the Initial Company, the ''Companies''). Interests in a Company (''Interests'') will be offered without registration in reliance on section 4(2) of the Securities Act of 1933 (the ''1933 Act'') or Regulation D under the 1933 Act, and will be issued in one or more designated series, each of which may correspond to a Company's investment in a particular transaction, collective investment vehicle or other investment opportunity (each, a ''Series''). Each Company will be organized as a limited partnership or other investment vehicle. Each Company and Series will be an ''employees' security company'' within the meaning of section 2(a)(13) of the Act.

3. Each Company will operate as a closed-end management investment company. Applicants state that they anticipate that each Company will operate as a non-diversified vehicle. The Companies are intended to provide investment opportunities to Eligible Employees (as defined below) that are competitive with those at other financial services firms and to facilitate the recruitment and retention of high caliber professionals. All investors in a Company are ''Members.''

4. Each Company will have a general partner, manager or other similar entity (a ''Manager'') that is a WB Entity that will manage, operate and control such Company. The Manager of a Company will be registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') or exempt from such registration. Blair, the Manager of the Initial Company, is registered as an investment adviser under the Advisers Act. The Manager will be permitted to delegate certain of its responsibilities regarding the acquisition, management and disposition of Company investments, or other management responsibilities, to a WB Entity or to a principal, member, employee, executive, officer or director of one or more WB Entities, or to a committee of principals, members, employees, executives, officers or directors of one or more WB Entities (each such committee, a ''Manager Committee''). The ultimate responsibility for a Company's operations will remain with the Manager. The Manager may be entitled to receive a performance-based fee (a ''carried interest'') in addition to any amount allocable to the Manager's capital contribution.[1]

5. Interests in a Company or any Series will be sold only to ''Qualified Participants'' (as defined below). Prior to offering Interests to a Qualified Participant, a Manager must reasonably believe that the Qualified Participant will be capable of understanding and evaluating the merits and risks of participation in a Company or any Series and that each such individual is able to bear the economic risk of such participation and afford a complete loss of his or her investment.

6. ''Qualified Participants'' are (a) current key principals, members, employees, executives, officers and directors of the WB Group (collectively, ''Eligible Employees''), (b) spouses, parents, children, spouses of children, brothers, sisters and grandchildren of Eligible Employees (''Eligible Family Members'' and, together with Eligible Employees, ''Eligible Individuals''), (c) trusts or other investment vehicles established solely for the benefit of Eligible Employees or Eligible Family Members (''Eligible Investment Vehicles''), and (d) WB Entities. Each Eligible Employee and Eligible Family Member will be an ''accredited investor'' under rule 501(a)(5) or rule 501(a)(6) of Regulation D (''Accredited Investor''), except that a maximum of 35 Eligible Employees per Series who are sophisticated investors but who are not Accredited Investors may become Members if each of them falls into one of the following two categories: (A) Eligible Employees who (i) have a graduate degree in business, law or accounting, (ii) have a minimum of three years of consulting, investment management, investment banking, financial services, legal or similar business experience, and (iii) had reportable income from all sources (including any profit shares or bonus) of $100,000 in each of the two most recent years immediately preceding the Eligible Employee's admission as a Member and have a reasonable expectation of income from all sources of at least $140,000 in each year in which the Eligible Employee will be committed to make investments in the Series; or (B) Eligible Employees who are ''knowledgeable employees,'' as defined in rule 3c–5 of the Act, of the Company (with the Company treated as though it were a ''covered company'' for purposes of the rule). An Eligible Employee who is described in category (A) above will not be permitted to invest in any year more than 10% of his or her income from all sources for the immediately preceding year in the aggregate in a Company or relevant Series of a Company and in all other Companies in which that investor has previously invested.

7. An Eligible Individual may purchase an Interest through an Eligible Investment Vehicle only if either (i) the investment vehicle is an ''accredited investor,'' as defined in rule 501(a) of Regulation D under the 1933 Act, or (ii) the Eligible Employee is the settlor[2] and principal investment decision-maker with respect to the investment vehicle. Any Eligible Investment Vehicles that is not an accredited investor will be counted in accordance with Regulation D under the 1933 Act toward the 35 non-accredited investor limit discussed above. A WB Entity that acquires an Interest in a Company will be an ''accredited investor'' as defined in rule 501(a) of Regulation D under the 1933 Act.

8. The terms of a Company will be fully disclosed to the Qualified Participants at the time they are offered the right to subscribe for Interests, at which time they will be furnished with a copy of the private placement memorandum, the operating agreement (except with respect to Qualified Participants that are already Members of the Company and are subscribing for Interests in a Series thereof) and the operative documents of the relevant Series of a Company. A Manager will send to a Company's Members an audited financial statement with respect to those Series in which the Member held Interests as soon as practicable after the end of the Company's fiscal year. In addition, the Manager will send a report to each person who was a Member at any time during the fiscal year then ended setting forth the tax information necessary for the preparation by the person of his, her or its federal and state income tax returns.

9. Except for certain involuntary transfers resulting from the death or incapacity of a Member, Interests in the Companies will be non-transferable except with the express consent of the Manager and then only to Qualified Participants. No sales load or similar fee of any kind will be charged in connection with the sale of Interests.

10. The operating agreement of the Initial Company will provide that the company may have the right, but not the obligation, to purchase all or any portion of the Interests of a Member who ceases to be or is not, a current principal, member, employee, executive officer, or director of a WB Entity for any reason, including but not limited to, death, bankruptcy, becoming permanently disabled, removal or termination (with or without cause), withdrawal, or resignation (''Terminated Member''). Other Companies may offer Interests with repurchase rights. The Manager of a Company may repurchase Interests for cash, in-kind or a combination of both. With respect to cash repurchases, the Manager will pay the fair market value, as defined in the application, of any repurchased Interests as of the time the affected Member is deemed to be a Terminated Member.

11. The investment objectives and policies of the Companies will be disclosed to Qualified Participants when Interests are offered, and may vary among the Companies. The Companies may invest directly or through investment pools (including registered investment companies and companies that rely on section 3(c)(1) or section 3(c)(7) of the Act).[3] A Company may

[1] A ''carried interest'' is an allocation to the Manager based on the net gains of an investment program. A Manager that is registered under the Advisers Act may charge a carried interest only if permitted by rule 205–3 under the Advisers Act. Any carried interest paid to a Manager that is not registered under the Advisers Act will be structured to comply with section 205(b)(3) of the Advisers Act as if the Company were a business development company as defined in the Advisers Act.

[2] If the Eligible Investment Vehicle is an entity other than a trust, the term ''settlor'' will be read to mean a person who created the Eligible Investment Vehicle, alone or together with others, and contributed funds to such vehicle.

[3] Applicants are not requesting any exemption from any provision of the Act or any rule

Continued

make investments side-by-side with a WB Entity or a Third Party Fund (as defined below) in investment funds or accounts collectively organized for the primary benefit of investors who are not affiliated with the WB Group and over which a WB Entity exercises investment discretion (''Third Party Funds'').

12. If a WB Entity makes a loan to a Company, the loan would bear interest at a rate no less favorable to the Company than the rate that could be obtained on an arm's length basis. A Company will not borrow from any person if the borrowing would cause any person not named in section 2(a)(13) of the Act to own securities of the Company (other than short-term paper). Any borrowing by a Company will be non-recourse to the Members.

13. A Company will not acquire any security issued by a registered investment company if, immediately after the acquisition, the Company will own in the aggregate more than 3% of the outstanding voting stock of the registered investment company.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides, in part, that the Commission will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 6(b) provides that the Commission will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested, and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) defines an employees' securities company, in relevant part, as any investment company all of whose securities (other than short-term paper) are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) of the Act provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the Commission, will be applicable to the company and other persons dealing with the company as though the company were registered under the Act. Applicants request an order under sections 6(b) and 6(e) of the Act exempting the Companies from all provisions of the Act, except section 9 and sections 36 through 53 of the Act and the rules and regulations under those sections. With respect to sections 17 and 30 of the Act, and the rules and regulations thereunder, and rule 38a–1 under the Act, the exemption is limited as set forth in the application.

3. Section 17(a) generally prohibits any affiliated person of a registered investment company, or any affiliated person of an affiliated person, acting as principal, from knowingly selling or purchasing any security or other property to or from the company. Applicants request an exemption from section 17(a) to permit: (A) A WB Entity or a Third Party Fund (or any affiliated person of a WB Entity or a Third Party Fund), acting as principal, to engage in any transaction directly or indirectly with any Company or any company controlled by such Company; (b) a Company to invest in or engage in any transaction with any entity, acting as principal (i) in which such Company, any company controlled by such Company or any WB Entity or Third Party Fund has invested or will invest, or (ii) with which such Company, any company controlled by such Company or any WB Entity or Third Party Fund is or will otherwise become affiliated; and (c) a Third Party Investor, acting as principal, to engage in any transaction directly or indirectly with a Company or any company controlled by such Company. The term ''Third Party Investor'' refers to any person or entity that is not a WB Entity or affiliated with the WB Group and is a partner or other investor from a Third Party Fund.

4. Applicants submit that an exemption from section 17(a) is consistent with the purposes of the Companies and the protection of investors. Applicants state that the Members in each Company will be informed of the possible extent of such Company's dealings with the WB Group. Applicants also state that, as professionals employed in the financial services businesses, the Members will be able to understand and evaluate the attendant risks. Applicants assert that the community of interest among the Members in each Company and the WB Group will serve to reduce the risk of abuse.

5. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from participating in any joint arrangement with the company unless authorized by the Commission. Applicants request relief to permit affiliated persons of each Company, or affiliated persons of any of these persons to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which the Company or a company controlled by such Company is a participant.

6. Applicants assert that compliance with section 17(d) would cause a Company to forego investment opportunities simply because the Members, the Manager or any other affiliated person of the Company (or any affiliate of such a person) had made a similar investment. Applicants also submit that the types of investment opportunities considered by a Company often require each participant to make available funds in an amount that may be substantially greater than may be available to such Company alone. Applicants contend that, as a result, the only way in which a Company may be able to participate in such opportunities may be to co-invest with other persons, including its affiliates. Applicants note that each Company will be primarily organized for the benefit of Eligible Employees as an incentive for them to remain with the WB Group and for the generation and maintenance of goodwill. Applicants assert that the flexibility to structure co-investments and joint investments in the context of employees' securities companies will not involve abuses of the type section 17(d) and rule 17d–1 were designed to prevent.

7. Co-investments with a Third Party Fund will not be subject to condition 3 below. Applicants believe it is important that the interests of the Third Party Fund take priority over the interests of the Companies, and that the Third Party Fund not be burdened or otherwise affected by activities of the Companies. In addition, applicants assert that the relationship of a Company to a Third Party Fund is fundamentally different from such Company's relationship to the WB Group. Applicants contend that the focus of, and the rationale for, the protections contained in the requested relief are to protect the Companies from any overreaching by the WB Group in the employer/employee context, whereas the same concerns are not

thereunder that may govern the eligibility of a Company or Series to invest in an entity relying on section 3(c)(1) or 3(c)(7) of the Act or any such entity's status under the Act.

present with respect to the Companies vis-à-vis the investors of a Third Party Fund.

8. Section 17(e) of the Act and rule 17e–1 under the Act limit the compensation an affiliated person may receive when acting as agent or broker for a registered investment company. Applicants request an exemption from section 17(e) to permit a WB Entity including the Manager), acting as an agent or broker, to receive placement fees, advisory fees, or other compensation from a Company in connection with the purchase or sale by the Company of securities, provided that such placement fees, advisory fees or other compensation can be deemed ''usual and customary.'' Applicants state that for purposes of the application, fees or other compensation that are charged or received by a WB Entity will be deemed ''usual and customary'' only if (a) the Company is purchasing or selling securities alongside other unaffiliated third parties, including Third Party Funds, (b) the fees or other compensation being charged to the Company are also being charged to the unaffiliated third parties, including Third Party Funds, and (c) the amount of securities being purchased or sold by the Company does not exceed 50% of the total amount of securities being purchased or sold by the Company and the unaffiliated third parties, including Third Party Funds. Applicants assert that, because the WB Group does not wish to appear to be favoring the Companies, compliance with section 17(e) would prevent a Company from participating in transactions where the Company is being charged lower fees than unaffiliated third parties. Applicants assert that the fees or other compensation paid by a Company to a WB Entity are those established at arm's length with unaffiliated third parties.

9. Rule 17e–1(b) under the Act requires that a majority of directors who are not ''interested persons'' (as defined in section 2(a)(19) of the Act) take actions and make approvals regarding commissions, fees, or other remuneration. Rule 17e–1(c) under the Act requires each Company to comply with the fund governance standards defined in rule 0–1(a)(7) under the Act. Applicants request an exemption from rule 17e–1 to permit each Company to comply with the rule without having a majority of the members of the governing body of the Manager or, the Manager Committee, as applicable, who are not interested persons take actions and make determinations as set forth in paragraph (b) of the rule, and without having to satisfy the standards as required by paragraph (c) of the rule. Applicants state that because all the members of the governing body of the Manager of a Company or, the Manager Committee, as applicable, will be affiliated persons, without the relief requested, a Company could not comply with rule 17e–1. Applicants state that each Company will comply with rule 17e–1 by having a majority of the members of the governing body of the Manager take such actions and make such approvals as are set forth in rule 17e–1. Applicants state that each Company will comply with all other requirements of rule 17e–1.

10. Section 17(f) of the Act designates the entities that may act as investment company custodians, and rule 17f–1 under the Act imposes certain requirements when the custodian is a member of a national securities exchange. Applicants request an exemption from section 17(f) and rule 17f–1 to permit a WB Entity to act as custodian without a written contract. Applicants also request an exemption from the rule 17f–1(b)(4) requirement that an independent accountant periodically verify the assets held by the custodian. Applicants state that, given the community of interest of all the parties involved and the existing requirement for an independent audit, compliance with this requirement would be unnecessary. Each Company will otherwise comply with all the provisions of rule 17f–1.

11. Applicants also request an exemption from rule 17f–2 to permit the following exceptions from the requirements of rule 17f–2: (A) A Company's investments may be kept in the locked files of the Manager for purposes of paragraph (b) of the rule; (b) for purposes of paragraph (d) of the rule, (i) employees of the Manager will be deemed to be employees of the Companies, (ii) officers or managers of the Manager of a Company will be deemed to be officers of the Company, and (iii) the Manager or, where applicable, the Manager Committee, of a Company will be deemed to be the board of directors of the Company; and (c) in place of the verification procedure under paragraph (f) of the rule, verification will be effected quarterly by two employees of the Manager. With respect to certain Companies, applicants expect that many of their investments will be evidenced only by partnership agreements, participation agreements or similar documents, rather than by negotiable certificates that could be misappropriated. Applicants believe that these instruments are most suitably kept in the files of the Manager, where they can be referred to as necessary.

12. Section 17(g) of the Act and rule 17g–1 under the Act generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not interested persons take certain actions and give certain approvals relating to fidelity bonding. Applicants state that, because the Manager of each Company, or the Manager Committee, as applicable, will be interested persons, a Company could not comply with rule 17g–1 without the requested relief. Specifically, each Company will comply with rule 17g–1 by having the Manager of the Company, or the Manager Committee, as applicable, take such actions and make such approvals as are set forth in rule 17g–1. Applicants also request an exemption from the requirements of paragraph (g) of rule 17g–1 (relating to the filing of copies of fidelity bonds and related information with the Commission and the provision of notices to the board of directors), paragraph (h) of rule 17g–1 (relating to the appointment of a person to make the filings and provide the notices required by paragraph (g)), and an exemption from the requirements of paragraph (j)(3) of rule 17g–1 that the Companies comply with the fund governance standards defined in rule 0–1(a)(7). Applicants state that each Company will comply with all other requirements of rule 17g–1.

13. Section 17(j) of the Act and paragraph (b) of rule 17j–1 under the Act make it unlawful for certain enumerated persons to engage in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j–1 also requires that every registered investment company adopt a written code of ethics and that every access person of a registered investment company report personal securities transactions. Applicants request an exemption from the provisions of rule 17j–1, except for the anti-fraud provisions of paragraph (b), because they are unnecessarily burdensome as applied to the Companies.

14. Applicants request an exemption from the requirements in sections 30(a), 30(b), and 30(e) of the Act, and the rules under those sections, that registered investment companies prepare and file with the Commission and mail to their shareholders certain periodic reports and financial statements. Applicants contend that the forms prescribed by the Commission for periodic reports have little relevance to the Companies and would entail administrative and legal

costs that outweigh any benefit to the Members. Applicants request exemptive relief to the extent necessary to permit each Company to report annually to its Members. Applicants also request an exemption from section 30(h) of the Act to the extent necessary to exempt the Manager of each Company, members of the Manager, and any other persons who may be deemed to be members of a Manager Committee for a Company from filing Forms 3, 4, and 5 under section 16(a) of the Exchange Act with respect to their ownership of Interests in the Company. Applicants assert that, because there will be no trading market and the transfers of Interests will be severely restricted, these filings are unnecessary for the protection of investors and burdensome to those required to make them.

15. Rule 38a–1 requires investment companies to adopt, implement and periodically review written policies reasonably designed to prevent violation of the federal securities law and to appoint a chief compliance officer. Each Company will comply with rule 38a–1(a), (c) and (d), except that (a) because the Company does not have a board of directors, the governing body of the Manager of each Company will fulfill the responsibilities assigned to the Company's board of directors under the rule, (b) since the governing body of the Manager does not have any disinterested members, approval by a majority of disinterested board members required by rule 38a–1 will not be obtained, and (c) because the governing body of the Manager does not have any disinterested members, the Company will comply with the requirement in rule 38a–1(a)(4)(iv) that the chief compliance officer meet with the independent board members by having the chief compliance officer meet with the governing body of the Manager as constituted.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction to which a Company is a party otherwise prohibited by section 17(a) or section 17(d) of the Act and rule 17d–1 under the Act (the ''Section 17 Transactions'') will be effected only if the Manager determines that: (a) The terms of the Section 17 Transaction, including the consideration to be paid or received, are fair and reasonable to the Members of the Company and do not involve overreaching of the Company or its Members on the part of any person concerned and (b) the Section 17 Transaction is consistent with the interests of the Members, the Company's organizational documents and the Company's reports to its Members.

In addition, the Manager of the Company will record and preserve a description of all Section 17 Transactions, the Manager's findings, the information or materials upon which the findings are based and the basis therefor. All such records will be maintained for the life of the Company and at least six years thereafter and will subject to examination by the Commission and its staff. All such records will be maintained in an easily accessible place for at least the first two years.

2. The Manager of each Company will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for the Company, or any affiliated person of such person, promoter or principal underwriter.

3. The Manager of each Company will not invest the funds of the Company in any investment in which an ''Affiliated Co-Investor'' (as defined below) has acquired or proposes to acquire the same class of securities of the same issuer and where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which the Company and the Affiliated Co-Investor are participants, unless any such Affiliated Co-Investor, prior to disposing of all or part of its investment, (a) gives the Manager sufficient, but not less than one day's notice of its intent to dispose of its investment, and (b) refrains from disposing of its investment unless the Company has the opportunity to dispose of its investment prior to or concurrently with, on the same terms as, and on a pro rata basis with, the Affiliated Co-Investor. The term ''Affiliated Co-Investor'' with respect to any Company means any person who is: (A) An ''affiliated person'' (as defined in section 2(a)(3) of the Act) of the Company (other than a Third Party Fund); (b) a WB Entity; (c) an officer, director or employee of the WB Group; (d) an investment vehicle offered, sponsored or managed by a WB Entity (other than a Third Party Fund); or (e) an entity (other than a Third Party Fund) in which a WB Entity acts as a general partner or has a similar capacity to control the sale or other disposition of the entity's securities. The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by an Affiliated Co-Investor: (a) To its direct or indirect wholly owned subsidiary, to any company (a ''Parent'') of which the Affiliated Co-Investor is a direct or indirect wholly-owned subsidiary or to a direct or indirect wholly-owned subsidiary of its Parent; (b) to immediate family members of the Affiliated Co-Investor or a trust or other investment vehicle established for any such family member; or (c) when the investment is comprised of securities that are (i) listed on a national securities exchange registered under section 6 of the Exchange Act; (ii) NMS stocks, pursuant to section 11A(a)(2) of the Exchange Act and rule 600(a) of Regulation NMS thereunder; (iii) government securities as defined in section 2(a)(16) of the Act, or (iv) listed or traded on any foreign securities exchange or board of trade that satisfies regulatory requirements under the law of the jurisdiction in which such foreign securities exchange or board of trade is organized similar to those that apply to a national securities exchange or a national market system for securities.

4. Each Company and its Manager will maintain and preserve, for the life of each such Company and at least six years thereafter, such accounts, books, and other documents constituting the record forming the basis for the audited financial statements that are to be provided to the Members of such Company, and each annual report of the Company required to be sent to the Members, and agree that all such records will be subject to examination by the Commission and its staff. Each Company will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

5. The Manager of each Company will send to each Member having an Interest in the Company at any time during the fiscal year then ended, audited financial statements with respect to those Series in which the Member held Interests. At the end of each fiscal year, the Manager will make or cause to be made a valuation of all of the assets of the Company as of such fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the Company. In addition, within 120 days after the end of each fiscal year of the Company, if possible, or as soon as practicable thereafter, the Manager will send a report to each person who was a Member at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the Member of his, her or its federal and state income tax returns and a report of the investment

activities of the Company during that fiscal year.

6. If any purchase or sale is made by a Company from or to an entity affiliated with the Company by reason of an officer, director or employee of a WB Entity (a) serving as an officer, director, general partner or investment adviser to the entity, or (b) having a 5% or more interest in the entity, such individual will not participate in the Manager's determination of whether or not to effect the purchase or sale.

For the Commission, by the Division of Investment Management, under delegated authority.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–9576 Filed 4–27–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59795; File No. SR–NASDAQ–2006–064]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change as Modified by Amendments No. 2 and 3 Thereto To Modify the Fee for Connecting to a Nasdaq Data Center Over the Internet

April 20, 2009.

On December 22, 2006, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the fee for connecting to a Nasdaq data center over the Internet. On January 19, 2007, Nasdaq filed Amendment No. 1 to the proposed rule change. On February 22, 2007, Nasdaq filed Amendment No. 2 to the proposed rule change.[3] The proposed rule change, as amended, was published for comment in the **Federal Register** on March 21, 2007.[4] On April 6, 2009, Nasdaq filed Amendment No. 3 to the proposed rule change.[5] The Commission received no comment letters on the proposal. This order approves the proposed rule change as modified by Amendments No. 2 and 3.

Nasdaq proposes to increase its fees for Internet ports that deliver market data. Following the consolidation of Nasdaq's three order books and corresponding matching engines—INET, Brut, and SuperMontage—into a single book (''SingleBook'') within the Nasdaq Market Center (''NMC''), Nasdaq users retained the ability to connect with the NMC using the legacy access protocols of all three systems. Access to the NMC via secure Internet connectivity is one of several options available to INET protocol users for entering orders and receiving market data. Other NMC connectivity options include extranet connectivity, where a user contracts directly with a third-party extranet provider, and private line connectivity, where a user leases a circuit directly from a third-party provider.

Currently, Nasdaq charges INET protocol users an additional $200 (in addition to the established charges for port pairs) for each port used to connect to a Nasdaq data center over the Internet because making such ports available requires Nasdaq to procure and maintain appropriate telecommunications circuits connecting its data centers to the points-of-presence of an Internet service provider. By contrast, in the case of extranet and private circuit connections, Nasdaq is not responsible for the outside telecommunications circuits.

In the Notice, Nasdaq stated that since the introduction of SingleBook, the volume of market data delivered from Nasdaq to subscribers increased from a peak of approximately 5Mbs at the end of October of 2006 to a peak of approximately 25Mbs as of the date of filing of the proposal. Nasdaq stated that in order to continue to adequately support Internet market data connections, Nasdaq expanded its available Internet bandwidth. In light of the expanded Internet bandwidth requirements, Nasdaq proposes to increase its Internet port fee from $200 to $600 per Internet port that is used to deliver market data. The additional Internet port fee with respect to Internet ports used for order entry will remain at the current $200 level.

The Commission has reviewed carefully the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[6] and, in particular, Section 6(b)(4) of the Act,[7] which requires, among other things, that Nasdaq's rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls. The Commission also finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[8] which requires, among other things, that Nasdaq's rules are not designed to unfairly discriminate between customers, issuers, brokers or dealers.

Nasdaq proposes to increase its Internet port fee from $200 to $600 per Internet port that is used to deliver non-core market data. The proposed fee will apply equally to all market participants that use an Internet port to receive market data from Nasdaq.

The Commission believes that the proposal meets the criteria, formulated by the Commission[9] in connection with the petition filed by NetCoalition,[10] for approval of proposed rule changes concerning the distribution of non-core market data.[11] In its order issued in connection with the NetCoalition petition, the Commission stated that ''reliance on competitive forces is the most appropriate and effective means to assess whether the terms for the distribution of non-core data are equitable, fair and reasonable, and not unreasonably discriminatory.''[12] As such, the ''existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.''[13] If an exchange ''was subject to significant competitive forces in setting the terms of a proposal,'' the proposal will be approved unless the Commission determines that ''there is a substantial countervailing basis to find that the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 2 replaced and superseded the original filing and Amendment No. 1 in their entirety.

[4] *See* Securities Exchange Act Release No. 55457 (March 13, 2007), 72 FR 13328 (''Notice'').

[5] In Amendment No. 3, Nasdaq made certain technical changes to the filing to reflect changes to the Nasdaq rules since filing Amendment No. 2. In addition, Nasdaq clarified that the only market data product currently delivered via Internet ports is its TotalView ITCH data product. This technical amendment did not require notice and comment, as it did not affect the substance of the rule filing.

[6] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca-2006–21).

[10] *See* Securities Exchange Act Release No. 55011 (December 27, 2006) (order granting petition for review of SR–NYSEArca-2006–21).

[11] The Commission's order distinguishes between core market data, which is defined as ''the best-priced quotations and last sale information of all markets in U.S.-listed equities that Commission rules require to be consolidated and distributed to the public by a single central processor,'' and non-core market data. *See* 73 FR at 74771.

[12] *Id.* at 74781.

[13] *Id.* at 74781–82.

terms nevertheless fail to meet an applicable requirement of the Exchange Act or the rules thereunder.''[14]

In its order approving NYSEArca-2006–21, the Commission also stated that the terms of a proposed rule change to distribute market data for which the exchange is the exclusive processor must provide for an equitable allocation of fees under Section 6(b)(4) of the Act,[15] not be designed to permit unfair discrimination under Section 6(b)(5) of the Act,[16] be fair and reasonable under Rule 603(a)(1),[17] and not be unreasonably discriminatory under Rule 603(a)(2).[18] If the proposal involves non-core market data, an analysis of competitive forces may be used, and that analysis will apply to findings under Section 6 of the Act, and to findings under Rule 603.[19]

In formulating the terms of the proposal, Nasdaq was subject to significant competitive forces—specifically, the availability to market participants of alternatives to purchasing Nasdaq market data. Because the proposal involves the distribution of non-core market data, and significant competitive forces are present, the proposal is thus consistent with both Section 6(b)(4)[20] and Section 6(b)(5) of the Act,[21] and with Rule 603(a).[22] There is not a substantial countervailing basis that would render the proposal inconsistent with the Act or the rules thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[23] that the proposed rule change (SR–NASDAQ–2006–064) as modified by Amendments No. 2 and 3 be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9555 Filed 4–27–09; 8:45 am]

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[14] *Id.* at 74781. In approving NYSEArca-2006–21, the Commission found that the proposed rule change was consistent with Section 6(b)(4) of the Act, 15 U.S.C. 78f(b)(4). *See* 73 FR at 74779. The Commission also found that the proposal was consistent with Section 6(b)(5) of the Act, 15 U.S.C. 78f(b)(5), Section 6(b)(8) of the Act, 15 U.S.C. 78f(b)(8), and Rule 603(a) of Regulation NMS, 17 CFR 242.603(a). *See* 73 FR at 74779. The Commission noted that the presence of competitive forces guided its analysis under both Section 6 of the Act and Rule 603 of Regulation NMS. *Id.*

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f(b)(5).

[17] 17 CFR 242.603(a)(1).

[18] 17 CFR 242.603(a)(2). *See* 73 FR at 74782.

[19] *See* 73 FR at 74779.

[20] 15 U.S.C. 78f(b)(4).

[21] 15 U.S.C. 78f(b)(5).

[22] 17 CFR 242.603(a).

[23] 15 U.S.C. 78s(b)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59802; File No. SR–FICC–2009–03]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Granting Approval of a Proposed Rule Change To Impose a Charge on Members With a Fail-to-Deliver in Treasury Securities

April 20, 2009.

I. Introduction

On February 25, 2009, The Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2009–03 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on March 19, 2009.[2] The Commission received two comment letters.[3] For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

The Treasury Markets Practices Group (''TMPG''), a group of market participants that is active in the treasury securities market and is sponsored by the Federal Reserve Bank of New York (''FRBNY''), has been devising ways to address the persistent settlement fails in treasury securities transactions that have arisen, according to the TMPG, due to the recent market turbulence and low short-term interest rates. In order to encourage market participants to resolve fails promptly, the TMPG has proposed for adoption a ''best practice'' that would call for the market-wide assessment of a charge on fail-to-deliver positions. As part of the implementation of this ''best practice,'' the TMPG has asked the Government Securities Division (''GSD'') of FICC to impose a charge on failed positions involving treasury securities within FICC.

The charge FICC is adopting will be equal to the product of net money due on the failed position and three (3) percent per annum minus the Target Fed funds target rate that is effective at 5 p.m. Eastern Standard Time on the business day prior to the originally scheduled settlement date and will be capped at three (3) percent per annum. The charge will be applied daily and will be a debit on a member's GSD monthly bill for a fail-to deliver position and a credit on a member's GSD monthly bill for fail-to-receive position.

The following example illustrates the manner in which the proposed fails charge would apply.

Member A fails to deliver today on a $50 million position on which he is owed $50.1 million. The Target Fed funds rate yesterday at 5 p.m. was one (1) percent. The fails charge will be the product of two (2) percent per annum applied to the funds amount of $50.1 million, thus equaling a charge of $2,783.33 for that day. The bill of the member failing to deliver will reflect a debit of $2,783.33.

In the event that FICC is the failing party because, for example, it received securities too close to the close of the Fedwire for redelivery, the fail charge will be distributed pro rata to the netting members based upon usage of the GSD's services, which is the same methodology that is used when FICC incurs finance charges.[4]

The rule change provides that the Credit and Market Risk Management Committee of FICC's Board of Directors will retain the right to revoke application of the charge if industry events or practices warrant such revocation.

III. Comment Letters

The Commission received two letters, one from a registered broker-dealer raising concerns about the ''unintended consequences'' of the proposed rule change and the other from FICC responding to the commenter's letter.[5] The broker-dealer, a member of FICC, raised concerns that the pervasive fails situation that FICC intends to remedy with the rule change no longer exists because the market corrected itself when fails became an issue, and therefore the instances of fails can be held to a minimum if the industry commits to follow best practices. Further, this broker contends that the rule may potentially increase counterparty risk because firms would shift from clearing through FICC to clearing through individual counterparties, where fails are more easily controlled, in an effort to avoid the fails penalty. The unintended consequences of the rule change, the commenter asserted, may be detrimental to the global market by reducing market liquidity caused by the reduction in the supply of securities, by eroding investor confidence, by decreasing securities available for lending, and by

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 59569 (March 12, 2009), 74 FR 11797.

[3] Letters from Leslie Rosenthal, Rosenthal Collins Group, L.L.C. (March 31, 2009) and Murray Pozmanter, Managing Director, FICC (April 3, 2009).

[4] FICC Rules, Section 6 of Rule 12.

[5] Supra note 3.

introducing the potential to game the system due to wider spreads between bid and offer prices, resulting in allowing someone to take advantage of those inadvertently caught in a fail situation.

In response to these concerns, FICC noted that FICC's delivery allocation process, a process that matches buy obligations to sell obligations and is applicable to all members, is necessary to ensure that the clearing corporation remains flat. Accordingly, FICC contends, the fails charge would not have any unique impact on the commenter's firm. With regards to the concern that the fails charge may result in firms shifting their business away from FICC in order to avoid a fails charge, FICC agrees that applying the fails charge as proposed by the rule would result in adverse consequences if the rest of the industry does not adopt it. However, FICC argues, FICC would cease applying the charge if the Credit and Market Risk Management Committee of FICC's Board of Directors determines that industry events or practices warrant such a revocation. Finally, FICC rejected the commenters assertions regarding the proposed rule change's effect on market liquidity and providing new opportunities for firms to ''game'' the system as ''highly speculative.'' Even if these adverse effects developed, FICC argues that it would be able to respond by eliminating the fails charge or taking other appropriate action.

IV. Discussion

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest.[6] The Commission believes the rule change is consistent with Act because the fails-to-deliver charge should discourage firms from creating and maintaining persistent fails-to-deliver in treasury securities, which if permitted to subsist, may adversely affect FICC's ability to safeguard securities or funds in FICC's control or for which it is responsible and to promptly and accurately clear and settle securities transactions. In the event that the rule change does not have the intended affect or produces other undesirable consequences, FICC has the ability to eliminate the rule or take other appropriate action to address any ensuing problems.[7]

Accordingly, for the reasons stated above the Commission believes that the rule change is consistent with FICC's obligation under Section 17A of the Act.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.[8]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–FICC–2008–03) be and hereby is approved.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9557 Filed 4–27–09; 8:45 am]

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[6] 15 U.S.C. 78q(b)(3)(F).

[7] Elimination or modification of the fails-to-deliver charge would require FICC to file a proposed rule change pursuant to Section 19(b) of the Act.

[8] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59805; File No. SR–FINRA–2009–027]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Non-Substantive, Technical Changes to FINRA Trade Reporting Rules Upon Implementation of SR–FINRA–2008–011

April 21, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 16, 2009, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under Section 19(b)(3)(A) of the Act[3] and paragraph (f)(6) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to (1) replace references to ''MMID'' or ''OEID'' in Rules 6282, 7130, 7230A, 7230B and 7330 that will be obsolete upon the implementation of proposed rule change SR–FINRA–2008–011; and (2) update rule cross-references in Rules 6380B and 7230B, as amended pursuant to SR–FINRA–2008–011.[5]

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On November 5, 2008, the SEC approved amendments to FINRA trade

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 58903 (November 5, 2008), 73 FR 67905 (November 17, 2008) (order approving SR–FINRA–2008–011); and Securities Exchange Act Release No. 58903A (November 13, 2008), 73 FR 69700 (November 19, 2008) (correction to order approving SR–FINRA–2008–011). SR–FINRA–2008–011 will be implemented on August 3, 2009. *See* FINRA *Regulatory Notice* 09–08 (January 2009).

reporting rules applicable to over-the-counter (''OTC'') equity transactions[6] to (1) replace the current market maker-based trade reporting structure with an ''executing party'' structure; and (2) require members with the trade reporting obligation under FINRA rules that are acting in a riskless principal or agency capacity on behalf of one or more other member firms to submit non-tape report(s) to FINRA, as necessary, to identify such other member firm(s) as a party to the trade.

This proposed rule change would make technical, non-substantive changes to certain FINRA rules upon the implementation of SR–FINRA–2008–011. Specifically, FINRA is proposing to delete the references to ''MMID'' and ''OEID'' in Rules 6282(c) and (d), 7130(b), 7230A(d), 7230B(d) and 7330(d). When the market maker-based trade reporting structure is replaced with the executing party structure, references to ''MMID'' (which corresponds to the ''market maker'' side) and ''OEID'' (which corresponds to the ''order entry'' side) will be obsolete, and they will be deleted from the revised system technical specifications for the FINRA Facilities. As such, FINRA is proposing to amend the rules to refer to the Reporting Member (denoted as the ''Executing Party'' or ''EPID'') and the Non-Reporting Member or Party, as applicable (denoted as the ''Contra Party'' or ''CPID'').

In this regard, FINRA also is proposing to amend Rule 6282 to (1) replace references in paragraphs (c) and (d) to ''Non-Reporting Member'' with ''Non-Reporting Member (or other contra party),'' where applicable, to clarify that the contra party to a trade may not always be a FINRA member, and (2) replace references in paragraph (c) to ''Reporting FINRA Member'' with ''Reporting Member'' to maintain consistency in the terminology used in the rule.[7]

In addition, on December 22, 2008, FINRA filed proposed rule change SR–FINRA–2008–066 to reflect the closing of the FINRA/NSX TRF. As part of that proposed rule change, FINRA proposed to renumber the rules relating to the FINRA/NYSE TRF, and Rules 6380C and 7230C became Rules 6380B and 7230B, respectively.[8] In this filing, FINRA is proposing to update the cross-references in Rules 6380B(d)(4) and 7230B(c), as amended pursuant to SR–FINRA–2008–011, to reflect the renumbering of the pertinent rules.

FINRA has filed the proposed rule change for immediate effectiveness. The proposed rule change will be operative on August 3, 2009, the date on which SR–FINRA–2008–011 will be implemented.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes the proposed rule change will provide greater clarity to members and the public regarding FINRA's trade reporting rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2009–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2009–027. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All

[6] OTC equity transactions include transactions in NMS stocks effected otherwise than on an exchange, which are reported through the Alternative Display Facility (''ADF'') or a Trade Reporting Facility (''TRF''), and transactions in OTC Equity Securities, as defined in Rule 6420, which are reported through the OTC Reporting Facility (''ORF''). The ADF, TRFs and ORF are collectively referred to herein as the ''FINRA Facilities.''

[7] FINRA also is proposing technical amendments to correct the cross-references in paragraphs (c) and (d) of Rule 6282 that incorrectly refer to numbered subparagraphs of (e) and (f), respectively; these cross-references should refer to numbered subparagraphs of (c) and (d), respectively.

[8] *See* Securities Exchange Act Release No. 59175 (December 30, 2008), 74 FR 840 (January 8, 2009) (notice of filing and immediate effectiveness of SR–FINRA–2008–066). SR–FINRA–2008–066 was filed for immediate effectiveness with an operative date of January 1, 2009.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

submissions should refer to File Number SR–FINRA–2009–027 and should be submitted on or before May 19, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9559 Filed 4–27–09; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59807; File No. SR–NASDAQ–2009–036]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Order Routing

April 21, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 17, 2009, The NASDAQ Stock Market LLC (''NASDAQ'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by NASDAQ. NASDAQ has designated the proposed rule change as constituting a non-controversial rule change under Rule 19b–4(f)(6) under the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to modify Rule 4758, Order Routing, to provide market participants with the option of entering orders that do not check the Nasdaq Market Center book prior to routing. NASDAQ proposes to implement the change with respect to Rule 4758(a)(1)(A)(i) on or about May 1, 2009, and will announce the exact date of implementation in a NASDAQ Equity Trader Alert. NASDAQ proposes to implement the change with respect to Rules 4758(a)(1)(A)(ii) and (iii) on a date in May or June 2009, to be announced in a NASDAQ Equity Trader Alert.

The text of the proposed rule change is below. Proposed new language is italicized and proposed deletions are in brackets.

4758. Order Routing

(a) Order Routing Process.

(1) The Order Routing Process shall be available to Participants from 7:00 a.m. until 8:00 p.m. Eastern Time, and shall route orders as described below: All routing of orders shall comply with Rule 611 of Regulation NMS under the Exchange Act.

(A) The System provides three routing options. Of these three, DOT is only available for orders ultimately sought to be directed to either the New York Stock Exchange (''NYSE'') or [the American Stock Exchange (''AMEX'')] *NYSE Amex.* The System will consider the quotations only of accessible markets. The three System routing options are:

(i) DOT (''DOT'')—under this option, after checking the System for available shares *if so instructed by the entering firm,* orders are sent to other available market centers for potential execution, per entering firm's instructions, before being sent to the destination exchange, so long as the price at such market centers would not violate the Order Protection Rule. Any un-executed portion will thereafter be sent to the NYSE or [AMEX] *NYSE Amex,* as appropriate, at the order's original limit order price. This option may only be used for orders with time-in-force parameters of either SDAY, SIOC, MDAY, MIOC, GTMC or market-on-open/close. Notwithstanding the foregoing, orders designated for participation in the NYSE or [AMEX] *NYSE Amex* opening or closing processes will not check the System for available shares prior to routing.

(ii) Reactive Electronic Only (''STGY'')—under this option, after checking the System for available shares *if so instructed by the entering firm,* orders are sent to other available market centers for potential execution, per entering firm's instructions. When checking the book, the System will seek to execute at the price it would send the order to a destination market center. If shares remain un-executed after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another accessible market center, the System shall route the order to the locking or crossing market center. With the exception of the Minimum Quantity order type, all time-in-force parameters and order types may be used in conjunction with this routing option.

(iii) Electronic Only Scan (''SCAN'')—under this option, after checking the System for available shares *if so instructed by the entering firm,* orders are sent to other available market centers for potential execution, per entering firm's instructions, in compliance with Rule 611 under Regulation NMS. When checking the book, the System will seek to execute at the price it would send the order to a destination market center. If shares remain un-executed after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center. With the exception of the Minimum Quantity order type, all time-in-force parameters and order types may be used in conjunction with this routing option.

Orders that do not check the System for available shares prior to routing may not be sent to a facility of an exchange that is an affiliate of Nasdaq, except for orders that are sent to the NASDAQ OMX BX Equities Market.

(B) No change.

(b) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASDAQ has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In SR–NASDAQ–2008–079,[4] NASDAQ amended Rule 4758 to provide that if an order is routed to the New York Stock Exchange (''NYSE'') or NYSE Amex and is designated as eligible for posting to the NYSE or NYSE Amex book, the order must check the NASDAQ book prior to routing. Routing of orders eligible to post at NYSE or NYSE Amex is conducted pursuant to NASDAQ's DOT routing strategy, as described in Rule

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] Securities Exchange Act Release No. 58721 (October 2, 2008), 73 FR 59696 (October 9, 2008) (SR–NASDAQ–2008–079).

4758(a)(1)(A)(i). NASDAQ is now proposing to eliminate the requirement, as established by SR–NASDAQ–2008–079, that such orders check the NASDAQ book. The change is a response to requests from market participants for greater flexibility in the instructions that they may provide with respect to routing. Under amended Rule 4758(a)(1)(A)(i), a market participant may opt either to access the NASDAQ book prior to routing or bypass it. Similarly, the market participant may specify that the order should access liquidity available on one or more of the trading venues to which NASDAQ routes, or it may opt to have the order go directly to its destination exchange. In all cases, the order will access liquidity available on NASDAQ or other trading venues only if the price is consistent with the Order Protection Rule of Regulation NMS. NASDAQ plans to implement the change to Rule 4758(a)(1)(A)(i) on or about May 1, 2009, and will announce the exact date of implementation in a NASDAQ Equity Trader Alert.

The DOT routing strategy is the only strategy under which orders are eligible for posting to the books of away markets. NASDAQ's STGY and SCAN routing strategies, as described in Rule 4758(a)(1)(A)(ii) and (iii), currently contemplate that orders will check the NASDAQ book, route to away markets on an immediate-or-cancel basis, and return to the NASDAQ book in accordance with the time-in-force instructions of the order. Under STGY, the order will again route if the order's price is subsequently locked or crossed by another market center; under SCAN, the order remains on the NASDAQ book regardless of the price subsequently available at away markets. Orders are routed to away markets only if an execution at the price available at such markets would not violate the Order Protection Rule of Regulation NMS. At a later date in May or June 2009, to be announced in a NASDAQ Equity Trader Alert, NASDAQ will modify these routing strategies to provide market participants with the option of having their orders not check the NASDAQ book before initial routing to away markets. In all other respects, the routing strategies will remain unchanged.

NASDAQ is also amending Rule 4758 to provide that if an order does not check the NASDAQ book for available shares prior to routing, it may not be sent to a facility of an exchange that is an affiliate of NASDAQ, with the exception of orders that are sent to the NASDAQ OMX BX Equities Market. In SR–NASDAQ–2008–061,[5] which was filed in anticipation of the acquisition of the Boston Stock Exchange (now NASDAQ OMX BX) and the Philadelphia Stock Exchange (now NASDAQ OMX PHLX), NASDAQ stipulated that it would not route orders to affiliated exchanges unless the orders checked the NASDAQ book prior to routing. Subsequently, in SR–NASDAQ–2008–098,[6] NASDAQ amended this restriction to provide that orders that do not check the NASDAQ book may be routed to the NASDAQ OMX BX Equities Market on a twelve-month pilot basis. As detailed in that filing and in a related filing by NASDAQ OMX BX,[7] the lifting of the restriction was premised upon (i) NASDAQ establishing and maintaining procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary information between NASDAQ and its facilities (including its routing broker) and any other entity, and (ii) NASDAQ OMX BX adopting rules and undertakings to manage the flow of confidential and proprietary information between NASDAQ's routing broker and NASDAQ OMX BX and to minimize potential conflicts of interest.

NASDAQ's other affiliated exchange, NASDAQ OMX PHLX, ceased operation of its system for trading cash equities during the fourth quarter of 2008. As a result, NASDAQ does not currently route any cash equities orders to NASDAQ OMX PHLX. If, however, NASDAQ OMX PHLX were to resume trading of cash equities, the proposed rule language would restrict routing of orders to NASDAQ OMX PHLX that did not check the NASDAQ book prior to routing until such time as NASDAQ and NASDAQ OMX PHLX adopted rules and procedures comparable to those adopted by NASDAQ and NASDAQ OMX BX.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and with Section 6(b)(5) of the Act,[9] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The change will provide functionality that allows members to route to away markets without first checking the NASDAQ book, in response to members' request for this added flexibility. This functionality was previously in effect for NASDAQ's DOT routing strategy. The change places appropriate restrictions on routing of orders to NASDAQ's affiliated exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[12] However, Rule 19b–

[5] Securities Exchange Act Release No. 58135 (July 10, 2008), 73 FR 40898 (July 16, 2008) (SR–NASDAQ–2008–061).

[6] Securities Exchange Act Release No. 59153 (December 23, 2008), 73 FR 80485 (December 31, 2008) (SR–NASDAQ–2008–098).

[7] Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the

4(f)(6)(iii)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. NASDAQ has requested that the Commission waive the 30-day operative delay. The Commission notes that NASDAQ's proposal is substantially similar to the rule of another national securities exchange and does not raise any new substantive issues.[14] NASDAQ states that waiving the operative delay will allow NASDAQ to compete more effectively by putting its new functionality in effect without undue delay.[15] For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative upon filing with the Commission.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2009–036 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2009–036. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NASDAQ. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2009–036 and should be submitted on or before May 19, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

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BILLING CODE 8010–01–P

Commission. NASDAQ has satisfied this requirement.

[13] *Id.*

[14] *See* BATS Exchange Rule 11.9(c)(12).

[15] *See* SR–NASDAQ–2009–036, Item 7.

[16] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59808; File No. SR–NYSEArca–2009–31]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing Fee Change

April 21, 2009.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 15, 2009, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. NYSE Arca filed the proposal pursuant to Section 19(b)(3)(A)[4] of the Act and Rule 19b–4(f)(2)[5] thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Schedule of Fees and Charges for Exchange Services (the ''Schedule''). While changes to the Schedule pursuant to this proposal will be effective upon filing, the changes will become operative on April 15, 2009. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to revise its Schedule with respect to fees applied to Primary Only Plus (''PO+'') orders. The changes, described below, will become operative on April 15, 2009. The Exchange believes that the proposed changes to the Schedule are equitable in that they apply uniformly to our Users.

Tier 1 and Tier 2 Rates

For orders routed outside the Book in Tapes A, B, or C securities to NASDAQ, the Exchange proposes a fee of $0.003 per share (previously $0.0029).

Take Tier

For orders routed outside the Book in Tapes A, B, or C securities to NASDAQ, the Exchange proposes a fee of $0.003 per share (previously $0.00285).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(2).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the ''Act''), in general, and Section 6(b)(4) of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The proposed rates are part of the Exchange's continued effort to attract and enhance participation on the Exchange, by offering attractive rebates for liquidity providers and volume-based incentives. The Exchange believes that the proposed changes to the Schedule are equitable in that they apply uniformly to our Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)[6] of the Act and subparagraph (f)(2) of Rule 19b–4[7] thereunder, because it establishes a due, fee, or other charge imposed by NYSE Arca on its members. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2009–31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2009–31. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2009–31 and should be submitted on or before May 19, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

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[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59806; File No. SR–ISE–2009–19]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness by International Securities Exchange, LLC of a Proposed Rule Change To Amend Exchange Rules Related to Confirmations to Customers

April 21, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 8, 2009, the International Securities Exchange, LLC (''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend Rule 612—Confirmation to Customers to clarify that written confirmations relating to options transactions do not need to specify the exchange or exchanges on which an option contract is executed.[3] The text of the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The proposed filing is being done pursuant to an industry-wide initiative under the auspices of the Options Self-Regulatory Council (''OSRC''), which is a committee comprised of representatives from each of the options exchanges functioning pursuant to the OSRC Plan (the ''Plan''). *See* Securities Exchange Act Release No. 20158 (September 8, 1983), 48 FR 41256 (September 14, 1983). The Plan is not a National Market System (''NMS'') plan under Section 11A of the Act, but rather is a plan to allocate regulatory responsibilities under Rule 17d–2 under the Act. 17 CFR 240.17d–2. As a result of the introduction of multiply listed options and the introduction of the Plan for the Purpose of Creating and Operating an Intermarket Options Market Linkage (''Options Linkage Plan''), the contracts in a customer options order could be executed on more than one options exchange, and the significance of the options exchange, or exchanges, that execute a particular options transaction has diminished significantly. *See* Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). Furthermore, the OSRC believes that in light of the best execution and disclosure requirements, the usefulness of including on an options confirmation the name of the options exchange, or exchanges, on which the options transaction was effected does not outweigh the operational difficulties of capturing the information given the multiple trading of options and the application of the Options Linkage Plan industry wide.

rule change is available on the Exchange's Web site *http://www.ise.com,* at the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization (''SRO'') included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 612 to eliminate the requirement that the market on which an options transaction is executed be disclosed on a written confirmation furnished to a customer of a member. Pursuant to Rule 612, the member will continue to be required to furnish a written confirmation that contains a description of each transaction in the option contracts which shall show: the type of option; the underlying security (e.g., stock or exchange traded fund); the expiration month; the exercise price; the number of option contracts; the premium and commissions; the transaction and settlement dates; whether the transaction was a purchase or a sale (writing) transaction; and whether the transaction was effected on a principal or agency basis.

The Exchange believes that with the expansion of multi-listing of options and the introduction of new options exchanges, it has become operationally inefficient to require the disclosure of the market center on which an order was executed on the confirmation. As an example, a customer may have a single option order containing numerous option contracts executed on multiple exchanges. As such, it would be inefficient for the member to be required to identify the exchange symbol for each contract executed on that customer's order. This proposal would clarify that written confirmations furnished by a member to a customer will not need to specify the exchange or exchanges on which such option contracts were executed.

This proposal is similar to rule change proposals that have been filed by the American Stock Exchange LLC (''Amex''), the Financial Industry Regulatory Authority, Inc. (''FINRA''), and the Chicago Board Options Exchange (''CBOE''), and approved by the Commission.[4] The Exchange believes that similar proposals will be filed with the Commission by other exchanges, and if adopted, would continue to provide a uniform approach with respect to confirmations to customers regarding standardized options.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, this proposed rule change will promote consistency between ISE and other SRO rules and clarify the Exchange's options confirmation procedure rules to better reflect the realities of the modern options market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition and (3) by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6)[8] thereunder.

The Exchange believes that the proposal to amend the Exchange's rule with regard to written confirmations relating to options transactions will promote consistency between ISE and other SRO rules. The proposed rule change is substantially similar to Amex, FINRA, and CBOE rules that provide that written confirmations relating to options transactions are not required to specify the options exchange or exchanges on which such options were executed.[9] The Exchange believes that this proposed rule change does not raise any new, unique or substantive issues from those raised in the approved Amex, FINRA and CBOE filings. The Exchange also believes that acceleration of the operative date is consistent with the protection of investors and the public interest. For the foregoing reasons, this rule filing qualifies for immediate effectiveness as a ''noncontroversial'' rule change under paragraph (f)(6) of Rule 19b–4.

A proposed rule change filed under Rule 19b–4(f)(6)[10] does not become operative prior to 30 days after the date of filing or such shorter time as the Commission may designate if such action is consistent with the protection of investors and the public interest. Because the proposed rule change is based on rule changes previously approved by the Commission and the proposed rule change does not present any novel issues, the Exchange has requested that the Commission waive the 30-day operative delay period to

[4] *See* Securities Exchange Act Release Nos. 58814 (October 20, 2008), 73 FR 63527 (October 24, 2008) (approval order); 58932 (November 12, 2008), 73 FR 69696 (November 19, 2008) (approval order); and 58980 (November 19, 2008), 73 FR 72091 (November 26, 2008) (approval order).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] *See supra* note 4, and related text.

[10] 17 CFR 240.19b4(f)(6).

permit the proposed rule change to be implemented immediately. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the rule change is substantially similar to rule changes by other SROs previously approved by the Commission, and will promote consistency between the rules of the ISE and other SROs. Thus, the Commission, consistent with the protection of investors and the public interest, has determined to waive the 30-day operative delay so that the proposal may take effect immediately.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–ISE–2009–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2009–19. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commissions Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2009–19 and should be submitted on or before May 19, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9560 Filed 4–27–09; 8:45 am]

BILLING CODE 8010–01–P

[11] For purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59804; File No. SR–BX–2009–020]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing of Proposed Rule Change Regarding Market Maker Obligations

April 21, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 8, 2009, NASDAQ OMX BX, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend Chapter VI, Section 6 (Market Maker Quotations) of the BOX Rules to amend certain Market Maker obligations. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Chapter VI, Section 6 (Market Maker Quotations) of the BOX Rules to amend certain Market Maker obligations. As proposed, the Exchange will amend the obligations of a Market Maker regarding the Request for Quote (''RFQ'') process. The new language found in section 6(b) clarifies that within three seconds of receiving an RFQ that a Market Maker must continuously maintain, without interruption, a valid two-sided quote for at least thirty seconds. However, if during that thirty second time span, the quote becomes invalid,[3] the Market Maker must as soon as practicable, but within five seconds, post a valid two sided quote. In addition, current section 6(d)(ii), which provided for a Market Maker to submit a quote in the interests of a fair and orderly market when called upon by Options Official will be removed. Instead, as proposed, section 6(b)(iv) will be used for circumstances where an Options Official determines, that a Market Maker should be called upon to quote in the interests of a fair and orderly market. Specifically, this new section will provide that an Options Official may, whenever on the judgment of such official, in the interest of a fair and orderly market, call upon Market Makers to post a quote in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] One example of such a circumstance is an execution resulting from that quote.

same manner as if an RFQ was issued by an Options Participant. Options Participants will receive the message in the same manner whether the request is issued by a Participant or an Options Official. Similarly, a Market Maker is required to continuously maintain, without interruption, a valid two-sided quote for at least thirty seconds. However, if during that thirty second time span, the quote becomes invalid, the Market Maker must, as soon as practicable, but within five seconds post a valid two sided quote.

In addition, as proposed, section 6(d) will establish quoting standards based upon a percentage of time measurement. The proposal will clarify that this section entitled ''continuous quoting'' reflects quoting parameters based on a daily time measurement. The proposal also seeks to remove references to series and replace them with class. Consequently, under the proposal, Market Makers will be required to submit valid quotes on a daily basis for at least 80% of the time that a class is open in 90% of their appointed classes. In addition, on a daily basis, a Market Maker shall post valid quotes at least sixty percent (60%) of the time in each of its appointed classes during the time that the class is open for trading. Thus, allowing a Market Maker to focus their strategy on the entire class to which it was appointed, rather than implementing a strategy utilizing each series within a class. This allows a Market Maker, if it chooses, to bring more liquidity to the more actively traded series, rather than focusing on series with less activity.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[4] in general, and Section 6(b)(5) of the Act,[5] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the proposal will simplify the rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–BX–2009–020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2009–020. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BX–2009–020 and should be submitted on or before May 19, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9558 Filed 4–27–09; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59799; File No. SR–NYSEAmex–2009–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Amex LLC Amending NYSE Amex Equities Rules 13, 902, 903, 904, 905 and 906 To Eliminate Certain Order Types From the Off-Hours Trading Facility

April 20, 2009.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 9, 2009, NYSE Amex LLC (''NYSE Amex'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. NYSE Amex filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(6)

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(3)(A).

thereunder,[5] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Amex Equities Rules 13 (Definitions of Orders), 902 (Off-Hours Trading Orders), 903 (Off-Hours Transactions), 904 (Priority of Off-Hours Trading Orders), 905 (Off-Hours Trading Reports and Recordkeeping) and 906 (Impact of Trading Halts on Off-Hours Trading) to eliminate certain order types from the off-hours trading facility. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Through this filing, the Exchange seeks to amend NYSE Amex Equities Rules 902, 903, 904, 905 and 906 to remove certain off-hours trading functions from the Exchange's Crossing Session I. The Exchange is making this change in connection with certain technology upgrades it is in the process of rolling out.

As explained more fully below, customers who previously relied on the trading functions in Crossing Session I that are being eliminated will be able to execute their off-hours trades through the NYSE MatchPoint® system. The Exchange will continue to accommodate certain types of off-hours trading (error offset trades and trades between a member and the DMM for the purpose of offsetting a market-on-close imbalance) in Crossing Session I.

These amendments are proposed to conform to amendments filed by the New York Stock Exchange (''NYSE'').[6]

I. Background

As described more fully in a related rule filing,[7] NYSE Euronext acquired The Amex Membership Corporation (''AMC'') pursuant to an Agreement and Plan of Merger, dated January 17, 2008 (the ''Merger''). In connection with the Merger, the Exchange's predecessor, the American Stock Exchange LLC (''Amex''), a subsidiary of AMC, became a subsidiary of NYSE Euronext called NYSE Alternext US LLC,[8] and continues to operate as a national securities exchange registered under Section 6 of the Act.[9] The effective date of the Merger was October 1, 2008.

In connection with the Merger, on December 1, 2008, the Exchange relocated all equities trading conducted on the Exchange legacy trading systems and facilities located at 86 Trinity Place, New York, New York, to trading systems and facilities located at 11 Wall Street, New York, New York (the ''Equities Relocation''). The Exchange's equity trading systems and facilities at 11 Wall Street (the ''NYSE Amex Trading Systems'') are operated by the NYSE on behalf of the Exchange.[10]

As part of the Equities Relocation, NYSE Alternext adopted NYSE Rules 1–1004, subject to such changes as necessary to apply the Rules to the Exchange, as the NYSE Alternext Equities Rules to govern trading on the NYSE Alternext Trading Systems.[11] The NYSE Alternext Equities Rules, which became operative on December 1, 2008, are substantially identical to the current NYSE Rules 1–1004 and the Exchange continues to update the NYSE Alternext Equities Rules, now renamed the NYSE Amex Equities Rules, as necessary to conform with rule changes to corresponding NYSE Rules filed by the NYSE.

The NYSE initiated its Off-Hours Trading Facility in June 1991.[12] In connection with its implementation, the NYSE adopted the ''900'' series of rules to govern trading, order eligibility, order entry and record keeping requirements. Upon the Equities Relocation and the adoption of the NYSE Amex Equities Rules, the Exchange implemented the NYSE Off-Hours Trading Facility as part of the NYSE Amex Trading Systems.

In one application of the Off-Hours Trading Facility, members and member organizations may enter orders to be executed at the Exchange closing price, that is, the price established by the last regular way sale in a security at the official closing of the 9:30 a.m. to 4 p.m. trading session (''Crossing Session I''). Orders may be entered for any Exchange-listed issue, other than a security that is subject to a trading halt at the close of the regular trading session[13] or is halted after 4 p.m. Crossing Session I normally runs from 4:15 p.m. to 5 p.m. on each trading day.

Under NYSE Amex Equities Rule 902(a)(i) and (ii)(A) respectively, members may enter single-sided orders (*i.e.*, either an order to buy or an order to sell) and coupled orders (*i.e.*, both a buy and a sell order) into Crossing Session I. In addition, pursuant to NYSE Amex Equities Rule 902(b), the Exchange will migrate into Crossing Session I for possible execution any good-til-cancelled (''GTC'') orders that have been designated as eligible for execution in the Off-Hours Trading Facility.[14] These types of orders entered into Crossing Session I are usually executed at the end of the Session, *i.e.*, at 5 p.m.

NYSE Amex Equities Rules 903 and 904 describe, in pertinent part, how

[5] 17 CFR 240.19b–4(f)(6).

[6] *See* Securities Exchange Act Release No. 59570 (March 12, 2009), 74 FR 11800 (March 19, 2009) (SR–NYSE–2009–28).

[7] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–NYSE–2008–60 and SR–Amex–2008–62) (approving the Merger).

[8] NYSE Alternext US LLC was subsequently renamed NYSE Amex LLC. *See* Securities Exchange Act Release No. 59575 (March 13, 2009), 74 FR 11803 (March 19, 2009) (SR–NYSEALTR–2009–24).

[9] 15 U.S.C. 78f.

[10] *See* Securities Exchange Act Release No. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex–2008–63) (approving the Equities Relocation).

[11] *See* Securities Exchange Act Release No. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex–2008–63) (approving the Equities Relocation); Securities Exchange Act Release No. 58833 (October 22, 2008), 73 FR 64642 (October 30, 2008) (SR–NYSE–2008–106) and Securities Exchange Act Release No. 58839 (October 23, 2008), 73 FR 64645 (October 30, 2008) (SR–NYSEALTR–2008–03) (together, approving the Bonds Relocation); Securities Exchange Act Release No. 59022 (November 26, 2008), 73 FR 73683 (December 3, 2008) (SR–NYSEALTR–2008–10) (adopting amendments to NYSE Alternext Equities Rules to track changes to corresponding NYSE Rules); Securities Exchange Act Release No. 59027 (November 28, 2008), 73 FR 73681 (December 3, 2008) (SR–NYSEALTR–2008–11) (adopting amendments to Rule 62—NYSE Alternext Equities to track changes to corresponding NYSE Rule 62).

[12] *See* Securities Exchange Act Release No. 29237 (May 31, 1991), 56 FR 24853 (June 3, 1991) approving File Nos. SR–NYSE–90–52 and 90–53 which established the NYSE Off-Hours Trading Facility on a pilot basis. *See also* Securities Exchange Act Release No. 33992 (May 2, 1994), 59 FR 23907 (May 9, 1994) approving the NYSE Off-Hours Trading Facility on a permanent basis.

[13] This includes any market-wide trading halt instituted under NYSE Amex Equities Rule 80B (Trading Halts Due to Extraordinary Market Volatility).

[14] *See* NYSE Amex Equities Rule 13 (Definitions of Orders). GTC orders that have been designated as ''Off-Hours Eligible'' under this rule are referred to as ''GTX orders''.

orders that are entered into the off-hours trading facility establish priority, and the execution protocols for such orders. Specifically, NYSE Amex Equities Rule 903 provides that single-sided and migrated GTX orders are to be executed against opposite side single-sided and GTX orders in the Off-Hours trading Facility, while coupled orders are to be executed against the other side of the coupled order. NYSE Amex Equities Rule 904 provides that GTX orders retain the priority among themselves that existed when they were entered into Display Book®, while the priority of coupled orders will be determined based upon their sequence of entry into the Off-Hours Trading facility.

NYSE Amex Equities Rule 905 requires that certain records be maintained by members and member organizations with respect to off-hours trading.

NYSE Amex Equities Rule 906 outlines procedures under which Off-Hours Trading Facility orders in an NYSE-listed security may go unexecuted if such security was subject to a trading halt.

II. Proposed Changes to Off-Hours Order Processing and Rule Amendments

The Exchange is preparing to institute a number of technology changes to its systems that will foster more efficient and cost effective processing of orders it receives. As part of these changes, the Exchange is phasing out the SuperDOT® system and will replace it with a system referred to as Super Display Book (''SDBK'').

Because the Off-Hours Trading Facility relies on the SuperDOT system for certain trade processing functions, the Exchange plans to eliminate the ability to enter single-sided, coupled orders and GTX into the off-hours trading facility known as Crossing Session I, and to instead direct customers to use the NYSE's MatchPoint® system to effect those types of trades. Accordingly, the Exchange is proposing to amend NYSE Amex Equities Rules 902, 903, 905 and 906 and to rescind NYSE Amex Equities Rule 904 in its entirety to remove the provisions that relate to closing price single-sided, coupled and GTX orders. The Exchange also proposes to amend NYSE Amex Equities Rule 13 to remove provisions relating to GTX orders as these will no longer be supported by Exchange systems.

1. Proposed Amendments

a. NYSE Amex Equities Rule 13 (Definitions of Orders)

When the NYSE created the Off-Hours Trading Facility, it decided to provide a means for good-til-cancelled (GTC) orders to become automatically eligible for execution in this facility if the person or entity who had entered the GTC order so desired. This would then provide a possible source of liquidity to the Off-Hours Trading Facility, and could increase a GTC order's chance of being executed since it could access additional liquidity that was entered into the Off-Hours Trading Facility that was not available during the regular trading session. At the same time, GTC orders designated to migrate to the Off-Hours Trading Facility would return to the Display Book, and retain their original priority on Display Book, if not executed in the Off-Hours Trading Facility. This would provide a further incentive to migrate GTC orders since they would not lose their standing on the Display Book as a result of the migration.

The language indicating that a good-til-cancelled order may be designated as ''Off-Hours eligible'' and executed through the ''Off-Hours Trading Facility'' is proposed for deletion as this order type is being eliminated. The Exchange also proposes to add language to the definition of the good-til-cancelled order type to indicate that these orders are not eligible for execution in any Off-Hours Trading Facility of the Exchange.

b. NYSE Amex Equities Rule 902 (Off-Hours Trading Orders)

The Exchange proposes to delete paragraph (a)(i) (Closing-Price Orders) and paragraph (a)(ii)(A) (Closing-Price Coupled Orders) in their entirety to eliminate these as order types eligible for entry and execution in the Off-Hours Trading Facility.[15] Paragraph (b) (Migration of Orders) is also proposed to be deleted to reflect the elimination of GTX, as that paragraph explains the migration of GTC orders from the regular hours trading session to the Off-Hours Trading Session. Paragraph (d) is proposed to be deleted since it explains that a migrated order (*i.e.,* a GTX order) or a closing price order may be cancelled before execution. Paragraph (e) (Disposition of Unexecuted Orders) is proposed for deletion as it relates to migration of unexecuted GTX orders back to the Display Book if they are not executed in the Off-Hours Trading Facility, and to the fact that unexecuted closing-price orders expire if unexecuted in the Off-Hours Trading Facility. References to closing-price orders and paragraphs (a)(ii) and (b) are proposed for deletion in paragraph (g) (Odd-Lots and Partial Round Lots).

c. NYSE Amex Equities Rule 903 (Off-Hours Transactions)

Paragraph (a) (Priority of Single-Sided Orders) is proposed for deletion as it relates solely to this order type, which is being eliminated. In paragraphs (b) (Priority of Coupled Orders) and (c) (Binding Nature), references to closing-price, paragraph (a)(ii) of NYSE Amex Equities Rule 902 and paragraph (a) of NYSE Amex Equities Rule 903 are proposed for deletion as they will no longer be valid references. References to single-sided and coupled closing-price orders in (d) (Executions of Orders) are also proposed for deletion.

d. NYSE Amex Equities Rule 904 (Priority of Off-Hours Trading Orders)

The Exchange proposes to delete this rule entirely. NYSE Amex Equities Rule 904 (Priority of Off-Hours Trading Orders) relates to the priority of GTX among themselves as existed when these orders were on the Display Book, and the priority of closing-price orders entered into the Off-Hours Trading Facility.

e. NYSE Amex Equities Rule 905 (Off-Hours Trading Reports and Recordkeeping)

A reference to closing price and migrated orders is proposed for deletion in paragraph (b) (Off-Hours Trading Records) of this rule.

f. NYSE Amex Equities Rule 906 (Impact of Trading Halts on Off-Hours Trading)

Paragraph (a) (Security Halts Prior to Off-Hours Trading) is proposed to be deleted in its entirety as it relates to closing-price and migrated orders, which are both being eliminated. Paragraph (b) (Corporate Developments during Off-Hours Trading Session) of the rule establishes the Exchange's ability to halt trading in a security during the time it is open for Off-Hours Trading as a result of a corporate development. The Exchange proposes to delete subparagraphs (i), (ii) and (iii) which relate to closing-price and migrated GTC orders since they are being eliminated. The provision in the rule relating the permissibility of entry or the exemption from cancellation for closing price orders entered by Designated Market Makers (''DMMs'') in stocks that would otherwise be cancelled or prohibited from entry as a

[15] The Exchange is retaining the Aggregate-Price Coupled Order type, as defined in NYSE Amex Equities Rule 900 (Off-Hours Trading: Applicability and Definitions), paragraph (e)(i). This order type is specified for coupled buy and sell orders representing 15 or more securities having a total market value of $1 million or more. These orders are entered and executed in Crossing Session II.

result of corporate developments to offset all or part of a market-on-close imbalance that existed in a stock prior to the close of the Exchange's regular trading session [16] is being retained. In these instances, the DMM and the member organization taking the other side have already agreed to trade in the stock at the closing price and this agreement is not affected by the ensuing corporate development. The Exchange is therefore proposing to add the phrase ''as a result of corporate developments during the Off-Hours Trading Session'' to paragraph (b) to complete the last sentence of the paragraph.

2. Availability of MatchPoint® for Off-Hours Trading

In the Exchange's view these changes will not significantly affect the experience of customers who would have previously submitted orders to Crossing Session I for execution since similar functionality exists in the MatchPoint® system. MatchPoint® is an NYSE electronic equity-trading facility that matches aggregated orders at predetermined fixed times with prices that are derived from primary markets. There are seven matching sessions at fixed times throughout the trading day, and, of particular relevance to this filing, an after-hours matching session at 4:45 p.m.

Orders in MatchPoint are executed at a single trading price (known as the ''reference price'') that, for the 4:45 match is equal to the NYSE official closing price for NYSE-listed securities and the official closing price of the primary market for all non-NYSE-listed securities.[17] Customers who previously executed single-sided and coupled trades through Crossing Session I at the NYSE's official closing price can submit single-sided and coupled orders for execution through MatchPoint®.

It should be noted that certain other order types allowed under NYSE Amex Equities Rule 902 will not be affected by the proposed changes, although after the phase-out, the Exchange will process these trades on a different system instead of through SuperDOT. In particular, NYSE Amex Equities Rule 902(a)(ii)(C) permits a coupled order to be submitted in Crossing Session I to address situations where a member or member organization wishes to close out an error at the closing price on the Exchange, and the Designated Market Maker has agreed to take the other side of the error trade. NYSE Amex Equities Rule 902(a)(ii)(B) permits entry of coupled orders when one side of such coupled order is for the account of a specialist member organization entered in those instances in which the coupled order reflects contra side interest to offset an imbalance of market-on-close orders [18] that existed at the regular 4:00 p.m. close. The Exchange is not deleting these provisions from its rules, and member organizations will continue to be able to execute these trades in the same manner that they do today.

The Exchange intends to progressively implement this elimination on a security by security basis as it gains experience with the implementation until it is operative in all securities traded on the Floor. During the implementation, the Exchange will identify on its website which securities will no longer be eligible for processing in Crossing Session I as described in this filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change will facilitate the timely and efficient execution of securities on the Exchange by eliminating the use of an under-utilized order types and thus ultimately serve to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [21] and Rule 19b–4(f)(6) thereunder.[22] Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) by its terms does not become operative for 30 days of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and subparagraph (f)(6) of Rule 19b–4 thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6) does not normally become opertative prior to 30 days after the date of filing.[25] However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change seeks to eliminate one type of off-hours trading, while continuing to provide another type of off-hours trading throught the use of the NYSE Matchpoint® facility, in accordance with technology changes designed to foster a more efficient and cost effective processing of orders. The Commission notes that the proposed rule change is similar to NYSE's rules regarding off-hours trading. Therefore, the Commission designates the proposed rule change operative upon filing.[26]

[16] These types of orders are entered pursuant to NYSE Amex Equities Rule 902(a)(ii)(B).

[17] *See, generally,* NYSE Rule 1500 (NYSE MatchPoint®) and Securities Exchange Act Release No. 57058 (December 28, 2007), 73 FR 903 (January 4, 2008) approving adoption of NYSE Rule 1500.

[18] A ''market-on-close'' order is a market order which is to be executed in its entirety at the closing price, on the Exchange, of the stock named in the order, and if not so executed, is to be treated as cancelled. *See* NYSE Amex Equities Rule 13.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6).

[25] *See id.* In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the Act.

Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEAmex–2009–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2009–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2009–07 and should be submitted on or before May 19, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–9556 Filed 4–27–09; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections and a new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer to the addresses or fax numbers shown below.

(OMB)

Office of Management and Budget.
Attn: Desk Officer for SSA.
Fax: 202–395–6974.
E-mail address: *OIRA_Submission@omb.eop.gov.*

(SSA)

Social Security Administration, DCBFM,
Attn: Reports Clearance Officer, 1332 Annex Building, 6401 Security Blvd., Baltimore, MD 21235.
Fax: 410–965–6400.
E-mail address: OPLM.RCO@ssa.gov.

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than June 29, 2009. Individuals can obtain copies of the collection instrument by calling the SSA Reports Clearance Officer at 410–965–3758 or by writing to the e-mail address we list above.

1. Integrated Registration Services (IRES) System—20 CFR 401.45—0960–0626

The IRES System verifies the identity of individuals, businesses, organizations, entities, and government agencies to use SSA's eService Internet and telephone applications for requesting and exchanging business data with SSA. The requestor provides information, prescribed by SSA, to establish his or her identity. Once SSA verifies identity, IRES will issue the requestor a user identification number (User ID) and a password to conduct business with SSA. Respondents are employers and third party submitters of wage data, business entities providing taxpayer identification information, and data exchange partners conducting business in support of SSA programs.

Type of Request: Revision of an OMB-approved information collection.

Respondent types	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden hours
Appointed Representatives Registering via Internet	200,000	1	5	16,667
All Other Business Services Online (BSO) Respondents Registering via Internet	1,300,000	1	5	108,333
Appointed Representatives Registering via Telephone	88,000	1	11	16,133
All Other BSO Respondents Registering via Telephone	120,794	1	11	22,146

[27] 17 CFR 200.30–3(a)(12).

Respondent types	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden hours
Total	1,708,794			163,279

2. Request for Internet Services—Password Authentication—20 CFR 401.45—0960–0632

SSA has a password infrastructure and process for verifying the identity of individuals who choose to use the Internet and the automated telephone response system to conduct personal business with SSA in an electronic environment. To obtain a password from SSA's Individual Password Services, we ask an individual for certain information, prescribed by SSA. SSA uses the information to authenticate an individual prior to issuing a temporary password. Once SSA authenticates an individual, and the individual creates a permanent password, he or she may use SSA's password protected services, *e.g.,* account status, change of address, direct deposit elections, or changes. The respondents are individuals electing to do personal business with SSA through an electronic medium.

Type of Request: Extension of an OMB-approved information collection.

Automated systems	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden hours
Internet Requestors	3,092,069	1	10	515,345
Telephone Requestors	122,266	1	10	20,378
Totals	3,214,335			535,723

3. Social Security Number Verification Services—20 CFR 401.45—0960–0660

Internal Revenue Service regulations obligate employers to provide wage and tax data to SSA using Form W–2 or its electronic equivalent. As part of this process the employer must furnish the employee's name and Social Security number (SSN). The employee's name and SSN must match SSA's records for SSA to post earnings to the employee's earnings record, which SSA maintains. SSA offers several cost-free methods for employers to verify employee information. The cost-free methods include:

(1) *Internet-based service, known as the Social Security Number Verification Service (SSNVS)*—employers can verify if the reported names and SSNs of their employees match SSA's records;

(2) *The Employee Verification Service (EVS)*—employers verify, via paper and telephone, whether the reported names and SSNs of their employees match SSA's records;

(3) *SSA's National 800 Number*—an automated telephone employee verification service (TNEV) that allows callers with an SSA-authorized PIN and password to verify employees' names and SSNs through TNEV.

Type of Request: Revision of an OMB-approved information collection.

Verification system	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Total annual burden (hours)
EVS	15,000	2	30,000	10	5,000
EVS One-Time Registration	50	1	50	2	2
SSNVS	200,000	60	12,000,000	5	1,000,000
TNEV	35,000	16	560,000	9	84,000
Totals	250,050		12,590,050		1,089,002

II. SSA has submitted the information collections we list below to OMB for clearance. Your comments on the information collections would be most useful if OMB and SSA receive them within 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 28, 2009. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410–965–3758 or by writing to the above e-mail address.

1. Medical or Psychological Review of Childhood Disability Evaluation Form (SSA–538)—20 CFR 416.1040, 416.1043, 416.1045, 416.924(g)—0960–0675

SSA's regional review components use Form SSA–536 to facilitate the contract medical or psychological consultant's review of the Childhood Disability Evaluation Form (SSA–538). The SSA–536 records the reviewing consultant's assessment of the adjudicating component's evaluation. SSA requires the consultant to complete an SSA–536 for each Title XVI childhood disability case he or she reviews. The respondents are consultants who review the adjudicating component's completed Childhood Disability Evaluation Form (SSA–538).

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 256.

Frequency of Response: 66.

Average Burden per Response: 12 minutes.

Estimated Annual Burden: 3,379 hours.

2. Identifying Information for Possible Direct Payment of Authorized Fees—0960–0730

SSA uses Form SSA–1695 to collect information from appointed representatives to process and facilitate direct payment of authorized fees to a financial institution. SSA will use this information to issue a Form 1099–MISC, if applicable. The respondents are attorneys and other individuals who represent claimants for benefits before SSA.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 10,000.

Frequency of Response: 40.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 66,667 hours.

Note: This is a correction notice. SSA published this information collection as an extension on February 25, 2009 at 74 FR 8607. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

Dated: April 22, 2009.

John Biles,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. E9–9593 Filed 4–27–09; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2008–0036]

Additional Delay in Modification of Action Taken in Connection With WTO Dispute Settlement Proceedings on the European Communities' Ban on Imports of U.S. Beef and Beef Products

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and modification of action.

SUMMARY: On January 15, 2009, the United States Trade Representative (''Trade Representative'') announced modifications (''January 15 modifications'') to the action taken in July 1999 in connection with the World Trade Organization (''WTO'') authorization of the United States in the *EC-Beef Hormones* dispute to suspend concessions and related obligations with respect to the European Communities (''EC''). See 74 FR 4265 (Jan. 23, 2009). The January 15 modifications initially had an effective date of March 23, 2009. The Trade Representative subsequently delayed the effective date of the additional duties imposed under the January 15 modifications until April 23, 2009. The effective date of the removal of duties under the January 15 modifications remained March 23, 2009. See 74 FR 11613 (March 18, 2009); 74 FR 12402 (March 24, 2009). In order to allow additional time to reach agreement with the EC on an interim solution that would provide benefits to the U.S. beef industry, the Trade Representative has decided to delay the effective date of the additional duties imposed under the January 15 modifications from April 23, 2009 until May 9, 2009.

Effective Date: The additional duties under the January 15 modifications shall be effective with respect to products that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2009.

FOR FURTHER INFORMATION CONTACT: Roger Wentzel, Director, Agricultural Affairs, (202) 395–6127 or David Weiner, Director for the European Union, (202) 395–4620 for questions concerning the *EC-Beef Hormones* dispute; or William Busis, Associate General Counsel and Chair of the Section 301 Committee, (202) 395–3150, for questions concerning procedures under Section 301.

SUPPLEMENTARY INFORMATION: For background concerning the *EC-Beef Hormones* WTO dispute, the January 15 modifications, and the initial delay in the effective date of the modifications, see 74 FR 4265 (Jan. 23, 2009), 74 FR 11613 (March 18, 2009), and 74 FR 12402 (March 24, 2009).

Pursuant to Section 305 of the Trade Act of 1974, the Trade Representative has determined that a further delay in implementation of the January 15 modifications would be desirable to obtain a satisfactory solution with respect to the EC's ban on U.S. beef. Accordingly, the Trade Representative has decided to delay the effective date of the additional duties imposed under the January 15 modifications from April 23, 2009 until May 9, 2009. The actions to be delayed are: (i) The imposition of increased duties on additional products, (ii) the application to products of additional EC member States of the increased duties on currently covered products, and (iii) the increase in the level of duties on one of the products that is being maintained on the product list. These are the same actions that were previously delayed until April 23, 2009.

The increased duties under the January 15 modifications are set out in Annex II of the notice published at 74 FR 12402 (March 24, 2009). In order to delay the effective date of the increased duties until May 9, 2009, (i) the date of ''April 23, 2009'' set out in the second line of Part A of Annex II of the notice published at 74 FR 12402 is hereby changed to ''May 9, 2009''; and (ii) the date of ''April 23, 2009'' set out in the second line of Part B of Annex II of the notice published at 74 FR 12402 is hereby changed to ''May 9, 2009''. Any merchandise covered under Part B of Annex II of the notice published at 74 FR 12402 that is admitted to a U.S. foreign-trade zone on or after May 9, 2009 must be admitted in ''privileged foreign status'' as defined in 19 CFR 146.41. Questions concerning customs matters may be directed to Renee Chovanec, International Coordination, Office of International Trade, U.S. Customs and Border Protection, 202–863–6384.

William Busis,

Chair, Section 301 Committee.

[FR Doc. E9–9628 Filed 4–27–09; 8:45 am]

BILLING CODE 3190–W9–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. NHTSA–2009–0089]

Notice of Renewal of Charter for the National Emergency Medical Services Advisory Council (NEMSAC)

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Notice of Renewal of Charter for the National Emergency Medical Services Advisory Council (NEMSAC).

SUMMARY: The Secretary of Transportation announces renewal of the National Emergency Medical Services Advisory Council to provide advice and recommendations regarding emergency medical services (EMS) matters to the U.S. Department of Transportation, National Highway Traffic Safety Administration and through NHTSA to the Federal Interagency Committee on Emergency Medical Services. The NHTSA's Office of EMS serves as sponsor of the Advisory Council for the Secretary. The purpose of this notice is to inform interested parties of the renewal of NEMSAC and invite public participation in meetings of the Advisory Council.

FOR FURTHER INFORMATION CONTACT: Mr. Drew Dawson, Director, NHTSA Office of EMS, (202) 366–9966 or via e-mail at *drew.dawson@dot.gov*, 1200 New Jersey Avenue, SE., NTI–140, Washington, DC

20590. Office hours are from 7:45 a.m. to 4:15 p.m. EST, Monday through Friday, except Federal holidays. You may also contact Susan McHenry at the Office of EMS at (202) 366–6540 or via e-mail at *susan.mchenry@dot.gov*. The Office of EMS fax number is (202) 366–7149.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may submit or retrieve comments online through the Document Management System (DMS) at *http://www.regulations.gov/under* the docket number listed at the beginning of this notice (NHTSA–2009–0089). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help guidelines are available under the help section of the Web site. An electronic copy of this document may be downloaded from the Federal Register's home page at *http://www.archives.gov* and the Government Printing Office's database at *http://www.access.gpo.gov/nara*.

This notice of NEMSAC's charter renewal is given under the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.) The NEMSAC will be holding its next meeting on Tuesday and Wednesday June 2 and 3, 2009, at the Marriott Gateway in Crystal City, Arlington, VA. A separate **Federal Register** Notice will be published to announce that meeting.

Issued on April 23, 2009.

Jeffrey P. Michael,

Associate Administrator for Research and Program Development.

[FR Doc. E9–9623 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief from the requirements of 49 CFR part 236, as detailed below.

Docket Number FRA–2009–0030

Applicant: CSX Transportation, Mr. C.M. King, Chief Engineer, Communications and Signals, 500 Water Street, Jacksonville, FL 32202.

The CSX Transportation (CSXT) would like to respectfully request a waiver to the portion of 49 CFR 236.303 requiring portable derails to be connected to the signal system. Due to the current economic downturn, CSXT has found it necessary to use main, siding, and auxiliary tracks to facilitate the storing of cars. Cars and equipment are being stored in accordance with 49 CFR 232.103. The railroad also feels that the placing of portable derails on these tracks will increase the security of these cars that are being stored for an undetermined length of time.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 2009–0030) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC on April 22, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9–9611 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2009–0049]

Pipeline Safety: Requests for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice of several special permit requests we have received from pipeline operators, seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. This notice seeks public comments on these requests, including comments on any safety or environmental impacts. At the conclusion of the 30-day comment period, PHMSA will evaluate the requests and determine whether to grant or deny a special permit and the terms and conditions of any grant.

DATES: Submit any comments regarding these special permit requests by May 28, 2009.

ADDRESSES: Comments should reference the docket numbers for the specific special permit request and may be submitted in the following ways:

- *E–Gov Web Site: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* DOT Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey

Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov*.

Note: Comments are posted without changes or edits to *http://www.Regulations.gov*, including any personal information provided. There is a privacy statement published on *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

General: Kay McIver by telephone at (202) 366–0113; or, e-mail at *kay.mciver@dot.gov*.

Technical: Steve Nanney by telephone at (713) 272–2855; or, e-mail at *steve.nanney@dot.gov*.

SUPPLEMENTARY INFORMATION: This Notice concerns several requests for special permits received by PHMSA from pipeline operators who seek relief from compliance with certain pipeline safety regulations. Each request is filed in the Federal Docket Management System (FDMS) and has been assigned a separate docket number in the FDMS. The docket includes any technical analysis or other supporting documentation provided by the requester. We invite interested persons to participate by reviewing these special permit requests at *http://www.Regulations.gov*, and by submitting written comments, data, or other information including any comments on potential environmental impacts that may result from the grant of any of these special permits.

Before acting on these special permit requests, PHMSA will evaluate all comments received on or before the comments closing date. Comments will be evaluated after this date if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant or deny a request and the terms and conditions of any grant.

PHMSA has received the following special permit requests:

Docket No.	Requester	Regulation(s)	Nature of special permit
PHMSA–2008–0286	MoGas Pipeline LLC (MoGas).	49 CFR 192.14(a)(4), 49 CFR 192.619.	To authorize MoGas Pipeline LLC, to perform alternative risk control activities rather than pressure testing the pipeline to 1.25 times the proposed MAOP. The approximately 24.6 miles long Curryville to Sulpher Creek, to Auburn Station pipeline begins in Pike County, Missouri and ends in Lincoln County, Missouri. The pipeline transports natural gas from Panhandle Eastern Pipeline receipt point to the St. Louis metro. This is from mile post 80.38 to mile post 105.09. The pipeline is a nominal 12-inch diameter line installed in 1949 and 1950.
PHMSA–2009–0053	TransCanada Pipelines (TCPL) operator of the American Natural Resources (ANR) pipeline.	49 CFR 192.611(a)	To authorize TCPL/ANR to engage in an alternative approach to conduct risk control activities based on Integrity Management Program principles rather than lowering the MAOP or replacing the subject pipe segment. TCPL seeks relief for four areas on the TCPL system where the class location has changed as a result of new structures built within 660 feet of the pipeline. The pipelines have all changed from a Class 1 location to a Class 3 location. Special Permit Area 1: Line 1–100 is a 30-inch pipeline with a MAOP of 850 psig, in Lake County, Indiana. The new Bridgewood Subdivision was constructed within 660 feet of the pipeline. The area became a Class 3 location on May 4, 2007. Special Permit Area 2: Line 226, is part of a pipeline system that transports gas from Viking Gas Transmission Pipeline System, Wisconsin to Appleton Meter Station in Winnebago County, Wisconsin. The new subdivision of 13 structures was constructed within 660 feet of the pipeline. The area became a Class 3 location on May 11, 2007. The pipeline is a 24-inch pipeline with a maximum MAOP of 975 psig. Special Permit Area 3: Line 226 V7, is a 24-inch pipeline that transport gas from the Viking Gas Transmission Pipeline System to the Appleton Meter System on the ANR system in Outagamie County, Wisconsin. This line has a maximum MAOP of 975 psig. A new proximity structure (Great Northern Container Company) was constructed 300 feet of the pipeline. The area became Class 3 location on May 11, 2007.

Docket No.	Requester	Regulation(s)	Nature of special permit
			Special Permit Area 4: Line 501, on the TCPL, ANR system is part of a pipeline system that transports gas from the Gulf Coast, Louisiana up to Detroit, Michigan. There are several delivery points along the system. The new Class 3 locations are located in valve section between survey station number 288+32 and 291+78 in Fulton County, Ohio. This new Class 3 location lies within a High Consequence Area (HCA). A new proximity structure (Four County Family Center) was constructed within 300 feet of the pipeline. The area became a Class 3 location on August 24, 2007. This section has a 30-inch diameter pipeline and a MAOP of 858 psig.
PHMSA–2009–0054	Enstar Natural Gas Company.	49 CFR 192.707	To authorize ENSTAR exemption from installing pipeline markers over gas mains at road and railroad crossings in Class 1 location and Class 2 location. Instead ENSTAR proposes to adopt a risk based approach to installing markers in Class 1 location and Class 2 location and install markers not only at road crossings but over the length of the large diameter (6''NPS or larger) gas mains.
PHMSA–2009–0055	TransCanada Pipelines Ltd(TCPL)/American Natural Resources (ANR).	.....	To authorize TCPL/ANR to engage in an alternative approach to conduct risk control activities based on Integrity Management Program principles rather than lowering the MAOP or replacing the subject pipe segment. This application is for four segments of Line 716 on the TCPL/ANR segment in St. Martin Parish in Louisiana. This segment has changed from a Class 1 location to a Class 3 location. Further growth is anticipated in this area and TCPL requests that the special permit would apply to any additional pipe segments located on this pipeline in the inspection area that may experience a Class Location change in the future. The pipeline has a 20-inch diameter, a MAOP of 1050 psig and operates at 73% of SMYS.
PHMSA–2009–0056	TransCanada Pipelines Ltd(TCPL)/American Natural Resources (ANR).	.....	To authorize TCPL/ANR to engage in an alternative approach to conduct risk control activities based on Integrity Management Program principles rather than lowering the MAOP or replacing the subject pipe segment. This segment has changed from a Class 1 location to a Class 3 location. Further growth is anticipated in this area and TCPL requests that the special permit would apply to any additional pipe segments located on this pipeline in the inspection area that may experience a Class Location change in the future. This request is for the 30-inch diameter Line 1–501 pipeline located in Tate County, Mississippi. This loop pipeline transports gas from the Gulf Coast, Louisiana to Detroit, Michigan, USA, and has several delivery points in major population areas.
PHMSA–2009–0061	TransCanada Pipelines Ltd(TCPL)/American Natural Resources (ANR).	.....	To authorize TCPL/ANR to engage in an alternative approach to conduct risk control activities based on Integrity Management Program principles rather than lowering the MAOP or replacing the subject pipe segment. This segment has changed from a Class 1 location to a Class 3 location. Further growth is anticipated in this area and TCPL requests that the special permit would apply to any additional pipe segments located on this pipeline in the inspection area that may experience a Class Location change in the future. This request is for Line 515 on the TCPL ANR system. This is a 20-inch single line customer delivery lateral that delivers gas to ANR's Maumee Meter Station. The Class location change is the result of the new Ridge at Wrenwood subdivision constructed within 660 feet of the pipeline. These 26 new structures in addition to existing structures resulted in a Class Location change. The pipeline has a MAOP of 858 psig and operates at 66% of SMYS.

Docket No.	Requester	Regulation(s)	Nature of special permit
PHMSA–2009–0079	Williams Transcontinental Gas Pipe Line (WGPT).	49 CFR 192.611	To authorize Williams Transcontinental Pipe Line (WGPT) to engage in an alternative approach to conduct risk control activities based on Integrity Management Program principles rather than lowering the MAOP or replacing the subject pipe segment. This request is for the 30-inch and 36-inch pipelines located in the Davidson, Guilford, and Rockingham counties in the state of North Carolina. The 30-inch line has a MAOP of 780 psig and the 36-inch has a MAOP of 780 psig. The lines transport gas from the Gulf Coast, East Texas, and Southern Louisiana to Northeast Markets providing gas to WGPT customers. The Class location change is due to the addition of 32 homes.
PHMSA–2009–0100	Paiute Pipeline Company ...	49 CFR 190.341, 49 CFR 192.605, 49 CFR 192.745.	To authorize Piaute Pipeline Company to temporarily deviate from certain federal pipeline regulations and Piaute's maintenance procedures relative to transmission valves, and the partial operation of certain buried steel ball valves during regularly scheduled valve maintenance activities. Piaute proposes alternatives for this deviation. Piaute owns and operates 856 miles of interstate gas transmission pipeline in the state of Nevada under PHMSA Operator Identification Number 15033.

Authority: 49 U.S.C. 60118(c)(1) and 49 CFR 1.53.

Issued in Washington, DC, on April 17, 2009.

Alan Mayberry,

Director, Engineering and Emergency Support.

[FR Doc. E9–9610 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID FMCSA–2009–0086]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 22 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before May 28, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2009–0086 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://Docketsinfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 22 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Michael D. Abel

Mr. Abel, age 54, has an enculeation of his right eye due to a ruptured globe sustained in 2001. The visual acuity in his left eye is 20/15. Following an examination in 2008, his ophthalmologist noted, ''In my opinion, Mr. Abel has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Abel reported that he has driven tractor-trailer combinations for 15 years, accumulating 750,000 miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 10 mph.

Andre G. Burns

Mr. Burns, 42, has complete loss of vision in his right eye due to a traumatic injury sustained in 1971. The best corrected visual acuity in his left eye is 20/15. Following an examination in 2008, his ophthalmologist noted, ''Based upon this information and my medical evaluation, it is my professional opinion that Mr. Burns has an exemplary driving record and has sufficient central and peripheral vision to operate a commercial vehicle.'' Mr. Burns reported that he has driven straight trucks for 5 years, accumulating 5,000 miles, tractor-trailer combinations for 6 years, accumulating 450,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Paul M. Christina

Mr. Christina, 51, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/80 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''I believe Mr. Christina possesses adequate vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Christina reported that he has driven straight trucks for 20 years, accumulating 1.6 million miles. He holds a Class C operator's license from Pennsylvania.

His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Harold H. Cunning

Mr. Cunning, 77, has a prosthetic left eye due to a traumatic injury sustained in 1953. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2008, his optometrist noted, ''It is my medical opinion that Mr. Cunning has sufficient vision to operate a commercial vehicle.'' Mr. Cunning reported that he has driven straight trucks for 60 years, accumulating 1.1 million miles, tractor-trailer combinations for 58 years, accumulating 290,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth W. Dunn

Mr. Dunn, 41, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2008, his ophthalmologist noted, ''He has sufficient vision to perform the driving task to operate a commercial vehicle.'' Mr. Dunn reported that he has driven tractor-trailer combinations for 3 years, accumulating 360,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas F. Ethier

Mr. Ethier, 56, has complete loss of vision in his left eye due to a traumatic injury sustained in 1956. The visual acuity in his right eye is 20/20. Following an examination in 2009, his optometrist noted, ''His uncorrected visual acuity of the right eye is 20/20 and the field of vision of the right eye is 130 degrees in the horizontal. His field of vision exceeds 120 degrees as required, and therefore he is visually qualified to operate a commercial vehicle.'' Mr. Ethier reported that he has driven straight trucks for 21 years, accumulating 449,988 miles and tractor-trailer combinations for 28 years accumulating 2.1 million miles. He holds a Class A CDL from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Johnny K. Hiatt

Mr. Hiatt, 53, has a prosthetic right eye due to a traumatic injury sustained in 1969. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2008, his ophthalmologist noted, ''It is my medical opinion that he has sufficient vision to perform the driving task required to operate a commercial vehicle.'' Mr. Hiatt reported that he has driven straight trucks for 17 years, accumulating 170,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard S. Hoffman

Mr. Hoffman, 47, has a corneal scar in his left eye due to a traumatic injury sustained in 1971. The visual acuity in his right eye is 20/20 and in his left eye, 20/60. Following an examination in 2009, his ophthalmologist noted, ''It is my medical opinion, the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hoffman reported that he has driven straight trucks for 18 years, accumulating 186,300 miles. He holds a Class D operator's license from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Perry D. Jensen

Mr. Jensen, 48, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2009, his ophthalmologist noted, ''Perry has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Jensen reported that he has driven straight trucks for 30 years, accumulating 600,000 miles and tractor-trailer combinations for 30 years, accumulating 150,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Caleb T. Kass

Mr. Kass, 27, has complete loss of vision in his left eye due to a traumatic injury sustained in 1999. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2008, his optometrist noted, ''In my medical opinion, Caleb Kass possesses sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Kass reported that he has driven straight trucks for 6 years, accumulating 78,000 miles. He holds a Class C CDL license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Craig R. Martin

Mr. Martin, 47, has loss of vision in his right eye due to a traumatic injury sustained in 2000. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, ''Based on my assessment of his visual system; eye health and vision would seem to be sufficient for operating a commercial vehicle.'' Mr.

Martin reported that he has driven tractor-trailer combinations for 10 years, accumulating 1 million miles. He holds a Class A CDL license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Bruce McCabe

Mr. McCabe, 64, has had optic neuropathy in his right eye since 2002. The best corrected visual acuity in his right eye is hand motion vision and in his left eye, 20/20. Following an examination in 2008, his ophthalmologist noted, ''In my medical opinion, he has sufficient vision to perform driving tasks to operate a commercial vehicle.'' Mr. McCabe reported that he has driven straight trucks for 5 years, accumulating 50,000 miles and tractor-trailer combinations for 29 years, accumulating 2.9 million miles. He holds a Class A CDL license from Arizona. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey M. Mueller

Mr. Mueller, 49, has optic neuropathy in his left eye due to sarcoid since 1999. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/70. Following an examination in 2008, his optometrist noted, ''I agree with Dr. Whitaker that Mr. Mueller has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mueller reported that he has driven tractor-trailer combinations for 20 years, accumulating 2.4 million miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 13 mph.

George M. Nelson

Mr. Nelson, 42, has had a prosthetic left eye shortly after birth. The visual acuity in his right eye is 20/15. Following an examination in 2008, his optometrist noted, ''In my medical opinion, the above patient has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Nelson reported that he has driven straight trucks for 15 years, accumulating 150,000 miles and tractor-trailer combinations for 22 years, accumulating 2.2 million miles. He holds a Class A CDL license from Ohio. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV. He exceeded the speed limit by 8 mph.

Robert D. Porter

Mr. Porter, 49, has loss of vision in his right eye due to a traumatic injury sustained in 1991. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''In my medical opinion, Robert has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Porter reported that he has driven straight trucks for 31 years, accumulating 155,000 miles and tractor-trailer combinations for 31 years, accumulating 1.7 million miles. He holds a Class C operator's license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph E. Pfaff

Mr. Pfaff, 32, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/70 and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, ''Patient does have sufficient vision to operate commercial vehicles.'' Mr. Pfaff reported that he has driven straight trucks for 13 years, accumulating 13,000 miles and tractor-trailer combinations for 13 years, accumulating 13,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Cecil R. Rhodes

Mr. Rhodes, 59, has loss of vision in his left eye since 2001 due to retinal degeneration. The best corrected visual acuity in his right eye is 20/40 and in his left eye, 20/50. Following an examination in 2008, his optometrist noted, ''I feel in my medical opinion he has sufficient vision to perform his driving tasks for a commercial vehicle.'' Mr. Rhodes reported that he has driven straight trucks for 3 years, accumulating 6,000 miles, tractor-trailer combinations for 28 years, accumulating 1 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows one crash and one conviction for speeding in a CMV. He exceeded the speed limit by 14 mph.

William A. Rister

Mr. Rister, 58, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2008, his ophthalmologist noted, ''It is my opinion that Mr. Rister sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Rister reported that he has driven tractor-trailer combinations for 13 years, accumulating 1.3 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Billy D. Robertson

Mr. Robertson, 71, has loss of vision in his right eye due to a traumatic injury sustained in 1968. The best corrected visual acuity in his right eye is 20/70 and in his left eye, 20/20. Following an examination in 2008, his ophthalmologist noted, ''In my medical opinion, Mr. Robertson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Robertson reported that he has driven tractor-trailer combinations for 33 years, accumulating 2.6 million miles. He holds a Class A CDL from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerry G. Sexton

Mr. Sexton, 66, has had a prosthetic left eye from a traumatic injury he sustained in 1962. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2009, his optometrist noted, ''In my medical opinion, Mr. Sexton has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Sexton reported that he has driven straight trucks for 49 years, accumulating 7.4 million miles. He holds a Class A CDL license from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Christopher A. Weidner

Mr. Weidner, 46, has loss of vision in his left eye due to a traumatic injury sustained in 2005. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2009, his ophthalmologist noted, ''In my medical opinion, he has sufficient vision to perform his usual driving tasks as a commercial driver.'' Mr. Weidner reported that he has driven straight trucks for 20 years, accumulating 60,000 miles, and tractor-trailer combinations for 15 years, accumulating 45,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Paul A. Wolfe

Mr. Wolfe, 53, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2008, his optometrist noted, ''In my opinion, Paul has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Wolfe reported that he has driven straight trucks for 7½ years, accumulating 281,250 miles. He holds a Class D operator's license from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business May 28, 2009. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: April 21, 2009.

Charles A. Horan III,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. E9–9614 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7165; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–26066; FMCSA–2007–27333]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 24 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective May 31, 2009. Comments must be received on or before May 28, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2000–7165; FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2006–26066; FMCSA–2007–27333, using any of the following methods.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202)–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 24 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 24 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Carl W. Adams	Raymond G. Hayden	Steven A. Proctor
Charles C. Chapman	Robert E. Hendrick	Frederick G. Robbins
Jeffrey W. Cotner	Gene A. Lesher, Jr.	Manuel H. Sanchez

Everett A. Doty	Wallace F. Mahan, Sr.	Jose C. Sanchez-Sanchez
John K. Fank	Anthony R. Miles	David M. Stout
Bobby G. Fletcher	Kenneth L. Nau	Kenneth E. Suter, Jr.
Heather M.B. Gordon	David W. Peterson	Thaddeus E. Temoney
Randolph D. Hall	Randel G. Pierce	Daniel R. Viscaya

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 24 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 33404; 65 FR 57234; 68 FR 13360; 70 FR 12265; 72 FR 27624; 65 FR 66286; 66 FR 13825; 68 FR 10300; 70 FR 14747; 65 FR 78256; 66 FR 16311; 72 FR 11426; 67 FR 46016; 67 FR 57267; 69 FR 62741; 71 FR 62147; 67 FR 76439; 68 FR 10298; 70 FR 7545; 72 FR 7812; 68 FR 10301; 68 FR 19596; 70 FR 16886; 69 FR 33997; 69 FR 61292; 69 FR 64806; 70 FR 2705; 72 FR 1056; 70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 71 FR 63379; 72 FR 1020; 72 FR 12666; 72 FR 25831). Each of these 24 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 28, 2009.

FMCSA believes that the requirements for a renewal of an exemption under49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 24 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on April 21, 2009.

Charles A. Horan,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. E9–9613 Filed 4–27–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID FMCSA–2009–0115]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions from the diabetes standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 27 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate commercial motor vehicles in interstate commerce.

DATES: Comments must be received on or before May 28, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2009–0115 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://Docketinfo.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 27 individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Carroll F. Aardema

Mr. Aardema, age 66, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Aardema meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Michigan.

Edward F. Back, III

Mr. Back, 47, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Back meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Aaron Bailey

Mr. Bailey, 44, has had ITDM since 2005. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bailey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Massachusetts.

Mirsad Beganovic

Mr. Beganovic, 47, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beganovic meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Michigan.

Carol J. Brummel

Ms. Brummel, 46, has had ITDM since 1997. Her endocrinologist examined her in 2008 and certified that she has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Brummel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2008 and certified that she does not have diabetic retinopathy. She holds a Class C operator's license from Iowa.

Paul R. Caudill

Mr. Caudill, 53, has had ITDM since 2007. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Caudill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Mississippi.

Bernia G. Denegar

Mr. Denegar, 59, has had ITDM since 2007. His endocrinologist examined him

in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Denegar meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Felipe Guerra, Jr.

Mr. Guerra, 62, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Guerra meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he has does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Michael K. Gunn

Mr. Gunn, 55, has had ITDM since 2004. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gunn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Wisconsin.

Steven D. Hancock

Mr. Hancock, 43, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hancock meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Indiana.

George E. Hardman

Mr. Hardman, 65, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hardman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Georgia.

David L. Hottell

Mr. Hottell, 51, has had ITDM since 1987. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hottell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from California.

Marlin K. Johnson

Mr. Johnson, 68, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Joshua L. Kroetch

Mr. Kroetch, 28, has had ITDM since 1984. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kroetch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Minnesota.

Thomas E. Kusinsky

Mr. Kusinsky, 55, has had ITDM since 2007. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kusinsky meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

David S. Maynard

Mr. Maynard, 56, has had ITDM since 2006. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maynard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Gareth L. Miller

Mr. Miller, 44, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no

hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Miller meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Joseph C. Minnier

Mr. Minnier, 31, has had ITDM since 2004. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Minnier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Brian K. Moore

Mr. Moore, 47, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Zachary T. Patton

Mr. Patton, 28, has had ITDM since 1992. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Patton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Arizona.

Edward R. Peters

Mr. Peters, 55, has had ITDM since 1973. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Peters meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from Pennsylvania.

Terry L. Robinett

Mr. Robinett, 62, has had ITDM since 1983. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Robinett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

Mark E. Strunk

Mr. Strunk, 46, has had ITDM since 1983. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Strunk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from Pennsylvania.

Scot J. Suhr

Mr. Suhr, 40, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Suhr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Michael R. Sullivan

Mr. Sullivan, 51, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sullivan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he has does not have diabetic retinopathy. He holds a Class 10 operator's license from Rhode Island, which qualifies him to drive any motor vehicle, except a commercial motor vehicle, an articulated vehicle, or combination of motor vehicle and trailer where the gross weight of the trailer is more than 10,000 pounds.

Kenneth R. Walker

Mr. Walker, 40, has had ITDM since 1996. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Walker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009

and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Blake A. Woolman

Mr. Woolman, 24, has had ITDM since 1989. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woolman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the Notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified by the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: April 21, 2009.

Charles A. Horan III,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. E9–9612 Filed 4–27–09; 8:45 am]

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[1] Section 4129(a) refers to the 2003 Notice as a ''final rule.'' However, the 2003 Notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 22, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before May 28, 2009 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–2122.

Type of Review: Revision.

Form: 8931.

Title: Form 8931, Agricultural Chemicals Security Credit.

Description: This is a new form for tax year 2008 in response to Public Law 110–246 Section 15343. To allow taxpayers to calculate credits against income tax allowed by new provisions in law.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 389,330 hours.

Clearance Officer: R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Shagufta Ahmed, (202) 395–7873, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9–9597 Filed 4–27–09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability (NOFA) Inviting Applications for the Supplemental FY 2009 Funding Round of the Community Development Financial Institutions (CDFI) Program

Announcement Type: Announcement of funding opportunity.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.020.

Dates: Applications for Financial Assistance (FA) awards through the Supplemental FY 2009 Funding Round of the CDFI Program must be received by 5 p.m. et, Wednesday, May 27, 2009.

Executive Summary: For FY 2009, the Community Development Financial Institutions Fund (the Fund), an office within the Department of the Treasury, will conduct its CDFI Program funding round in two components: (i) the Initial FY 2009 Funding Round, as set forth in the NOFA published on August 15, 2008 (73 **Federal Register** 48011), and the Fund's Recovery Act Implementation Plan, issued on March 18, 2009 pursuant to the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5, Division A, Title V) (hereafter, the Recovery Act), and (ii) the Supplemental FY 2009 Funding Round, as set forth in this NOFA. Together, the two components comprise the FY 2009 Funding Round of the CDFI Program.

I. Funding Opportunity Description

A. Through the CDFI Program, the Fund provides: (i) FA awards to CDFIs that have Comprehensive Business Plans for creating demonstrable community development impact through the deployment of credit, capital, and financial services within their respective Target Markets or the expansion into new Investment Areas, Low-Income Targeted Populations, or

Other Targeted Populations, and (ii) technical assistance (TA) grants to CDFIs and entities proposing to become CDFIs in order to build their capacity to better address the community development and capital access needs of their existing or proposed Target Markets and/or to become certified CDFIs.

B. The regulations governing the CDFI Program are found at 12 CFR Part 1805 (the Regulations) and provide guidance on evaluation criteria and other requirements of the CDFI Program. The Fund encourages Applicants to review the Regulations. Detailed application content requirements are found in the applicable funding application and related guidance materials. Each capitalized term in this NOFA is more fully defined in the Regulations, the application, or the guidance materials.

C. The Fund reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFA. The Fund reserves the right to re-allocate funds from the amount that is anticipated to be available under this NOFA to other Fund programs, particularly if the Fund determines that the number of awards made under this NOFA is fewer than projected.

II. Award Information

A. *Funding Availability:* Through this NOFA, and subject to funding availability, the Fund expects that it may award approximately $55 million in appropriated funds in the form of FA-only awards to Category I/SECA and Category II/Core Applicants. The Fund reserves the right to award in excess of $55 million in appropriated funds to Applicants in the Supplemental FY 2009 Funding Round, provided that the funds are available and the Fund deems it appropriate.

B. *Types of Awards:* Funding for the Supplemental FY 2009 Funding Round is limited to FA awards only; FA awards will be made only in the form of grants. FA awards are intended to provide flexible financial support to CDFIs so that they may achieve the strategies outlined in their Comprehensive Business Plans. FA awards can be used in the following four categories: (i) Financial Products, (ii) Loan Loss Reserves, (iii) Capital Reserves, and/or (iv) Operations. For purposes of this NOFA, Financial Products means loans, grants, equity investments and similar financing activities, including the purchase of loans originated by certified CDFIs and the provision of loan guarantees, in the Applicant's Target Market, or for related purposes that the Fund deems appropriate. Loan Loss Reserves means funds that the Applicant will set aside in the form of cash, or through accounting-based accrual, reserves to cover losses on loans, accounts and notes receivable made in its Target Market, or for related purposes that the Fund deems appropriate. Capital Reserves means funds that the Applicant will set aside in the form of reserves to support the Applicant's ability to leverage other capital, for such purposes as increasing its net assets or serving the financing needs of its Target Market, or for related purposes that the Fund deems appropriate. FA awards used for Operations refer to funds that the Applicant will use to undertake Development Services, Financial Services, and/or related purposes that the Fund deems appropriate. FA awards are most commonly used for an Applicant's Financial Products since FA funds can be used to support the Applicant's community development lending activities.

The Fund reserves the right, in its sole discretion, to provide a FA award in an amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant's award request as stated in its Application.

C. *Notice of Award; Assistance Agreement:* Each Awardee under this NOFA must sign a Notice of Award and an Assistance Agreement in order to receive a disbursement of award proceeds by the Fund. The Notice of Award and the Assistance Agreement contain the terms and conditions of the award. For further information, see Sections VI.A and VI.B of this NOFA.

III. Eligibility Information

A. *Eligible Applicants:* The Regulations specify the eligibility requirements that each Applicant must meet in order to be eligible to apply for assistance under this NOFA. The following sets forth additional detail and dates that relate to the submission of applications under this NOFA:

1. Any Certified or Certifiable CDFI that did not apply in the Initial FY 2009 Funding Round is eligible to apply for a FA award under the Supplemental FY 2009 Funding Round, as set forth in this NOFA. For eligibility criteria applicable to entities that submitted applications under the Initial FY 2009 Funding Round, see Section III.A.2., below.

2. *Eligibility of Initial FY 2009 Funding Round Applicants:*

(a) Any Applicant that submitted an application under the Initial FY 2009 Funding Round will automatically be considered for funding through the Supplemental FY 2009 Funding Round, so long as the Applicant: (i) Submitted an application for FA or FA/TA under the Initial FY 2009 Funding Round prior to the October 29, 2008 application deadline, and (ii) did not receive notification from either Grants.gov or the CDFI Fund that its application was declined, rejected, ineligible, or fatally incomplete. Such an Applicant does not need to submit a new application for an award through the Supplemental FY 2009 Funding Round: meaning, the application that such an Applicant submitted for the Initial FY 2009 Funding Round will be considered by the Fund for an award under the Supplemental FY 2009 Funding Round. Please note, however, that any Applicant that receives a FA award under the Initial FY 2009 Funding Round may not also receive a FA award under the Supplemental FY 2009 Funding Round.

(b) An Applicant that applied for FA or FA/TA under the Initial FY 2009 Funding Round whose application was submitted after the October 29, 2008 application deadline, or that received notification from Grants.gov or the CDFI Fund that its application was declined, rejected, ineligible, or fatally incomplete must submit a new application under this NOFA in order to be eligible for funding in the Supplemental FY 2009 Funding Round: Meaning, the application that such an Applicant submitted for the Initial FY 2009 Funding Round will not be considered for an award under the Supplemental FY 2009 Funding Round.

(c) An Applicant that submitted an application for TA-Only under the Initial FY 2009 Funding Round must submit an application under this NOFA to be eligible for FA funding in the Supplemental FY 2009 Funding Round.

3. *FA Applicant Categories:* All Applicants for FA awards through this NOFA must meet the criteria for one of the following two categories:

TABLE 1—FA APPLICANT CRITERIA

FA Applicant category	Applicant criteria	Applicant may apply for:	Application deadline
Category I/Small and/or Emerging CDFI Assistance (SECA).	(1) Is a Certified/Certifiable CDFI; (2) Has total assets, as of the end of the Applicant's most recent fiscal year end or March 31, 2009, as follows:. • Insured Depository Institutions and Depository Institution Holding Companies: Up to $250 million. • Insured Credit Unions: Up to $10 million. • Venture capital funds: Up to $10 million. • Other CDFIs: Up to $5 million; or. (3) Began operations on or after January 1, 2005; and (4) Prior to the application deadline, has not been selected to receive in excess of $500,000 in FA award(s) in the aggregate from the CDFI Program or Native Initiatives Funding Programs.	Up to and including $600,000 in FA funds.	5 p.m. ET, Wednesday, May 27, 2009.
Category II/Core	A Certified/Certifiable CDFI that meets all other eligibility requirements described in this NOFA.	Up to and including $2 million in FA funds. However, the amount of FA funds awarded may be reduced by the amount of any TA awards received by an Awardee in the Initial FY 2009 Funding Round.	5 p.m. ET, Wednesday, May 27, 2009.

Please note: (1) The Fund reserves the right, in its sole discretion, to award amounts in excess of or less than the anticipated maximum award amounts permitted in this NOFA, if the Fund deems it appropriate. (2) Any Applicant that requests FA funding in excess of $600,000 is classified as a Category II/Core Applicant, regardless of its total assets, years in operation, or prior Fund awards. (3) The term ''began operations'' is defined as the financing activity start date indicated in the Applicant's myCDFIFund account. (4) The term ''Native Initiatives Funding Programs'' refers to the Native American CDFI Assistance (NACA) Program and all prior Native American funding programs sponsored by the Fund, through which funds are no longer available, including the Native American CDFI Technical Assistance (NACTA) Component of the CDFI Program, the Native American CDFI Development (NACD) Program, and the Native American Technical Assistance (NATA) Component of the CDFI Program.

4. *CDFI Certification Requirements:* For purposes of this NOFA, eligible FA Applicants include Certified CDFIs and Certifiable CDFIs, defined as follows:

(a) *Certified CDFIs:* For purposes of this NOFA, a Certified CDFI is an entity that has received official notification from the Fund that it meets all CDFI certification requirements as of March 18, 2009, the certification of which has not expired and that has not been notified by the Fund that its certification has been terminated. Each such Applicant must submit a ''Certification of Material Event Form'' to the Fund not later than May 15, 2009.

Please note: The Fund provided some CDFIs with written notification that their certifications had been extended. The Fund will consider the extended certification date (the later date) to determine whether those CDFIs meet this eligibility requirement.

(b) *Certifiable CDFIs:* For purposes of this NOFA, a Certifiable CDFI is an entity from which the Fund has received a complete CDFI Certification Application no later than March 18, 2009, evidencing that the Applicant meets the requirements to be certified as a CDFI.

Please note: While a Certifiable CDFI may be conditionally selected for a FA award (as evidenced through the Notice of Award), the Fund will not enter into an Assistance Agreement or disburse award funds unless and until the Fund has officially certified the organization as a CDFI. If the Fund is unable to certify the organization as a CDFI based on the CDFI certification application that the organization submits to the Fund, the Notice of Award may be terminated and the award commitment may be cancelled, in the sole discretion of the Fund.

5. *Limitation on Awards:* An Applicant may receive only one FA award through the FY 2009 Funding Round of the CDFI Program; meaning, any Applicant that receives a FA award under the Initial FY 2009 Funding Round may not also receive a FA award under the Supplemental FY 2009 Funding Round. Further, the amount of a FA award made through the Supplemental FY 2009 Funding Round will be reduced by the amount of any TA award received by an Awardee in the Initial FY 2009 Funding Round. A CDFI Program Applicant, its Subsidiaries or Affiliates also may apply for and receive a tax credit allocation through the New Markets Tax Credit (NMTC) Program, but only to the extent that the activities approved for CDFI Program awards are different from those activities for which the Applicant receives a NMTC Program allocation.

6. *Waiver of General Applicability for FY 2009 BEA Program Applicants:* For the purposes of the Supplemental FY 2009 Funding Round of the CDFI Program, the Fund hereby waives the requirements of 12 CFR 1805.102(a)(1)(i). All other requirements of 12 CFR 1805.102 remain in effect. Therefore, an Applicant may receive a FY 2009 Bank Enterprise Award (BEA) Program award if it has a CDFI Program application pending in the Supplemental FY 2009 Funding Round of the CDFI Program subject to the limitations of 12 CFR 1806.102.

7. *Contacting the Fund.* The CDFI Certification Application and other information regarding CDFI certification may be obtained from the Fund's Web site at *http://www.cdfifund.gov.*

B. *Prior Awardees:* Applicants must be aware that success in a prior round

of any of the Fund's programs is not indicative of success under this NOFA. For purposes of this section, the Fund will consider an Affiliate to be any entity that meets the definition of Affiliate in the Regulations or any entity otherwise identified as an Affiliate by the Applicant in its funding Application under this NOFA. Prior Awardees should note the following:

1. *$5 million funding cap:* Pursuant to the Recovery Act, the $5 million dollar funding cap is waived for the FY 2009 Funding Round of the CDFI Program.

2. *Failure to meet reporting requirements:* The Fund will not consider an application submitted by an Applicant if the Applicant, or an Affiliate of the Applicant is a prior Fund Awardee or allocatee under any Fund program and is not current on the reporting requirements set forth in a previously executed assistance, allocation or award agreement(s), as of the applicable application deadline of this NOFA. Please note that the Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received.

3. *Pending resolution of noncompliance:* If an Applicant is a prior Awardee or allocatee under any Fund program and if: (i) It has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, allocation, or award agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, allocation, or award agreement, the Fund will consider the Applicant's application under this NOFA pending full resolution, in the sole determination of the Fund, of the noncompliance. Further, if an Affiliate of the Applicant is a prior Fund Awardee or allocatee and if such entity: (i) Has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, allocation, or award agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, allocation, or award agreement, the Fund will consider the Applicant's application under this NOFA pending full resolution, in the sole determination of the Fund, of the noncompliance.

4. *Default status:* The Fund will not consider an application submitted by an Applicant that is a prior Fund Awardee or allocatee under any Fund program if, as of the applicable application deadline of this NOFA, the Fund has made a final determination that such Applicant is in default of a previously executed assistance, allocation, or award agreement(s). Further, an entity is not eligible to apply for an award pursuant to this NOFA if, as of the applicable application deadline of this NOFA, the Fund has made a final determination that an Affiliate of the Applicant is a prior Fund Awardee or allocatee under any Fund program and has been determined by the Fund to be in default of a previously executed assistance, allocation, or award agreement(s). Such entities will be ineligible to apply for an award pursuant to this NOFA so long as the Applicant's, or its Affiliate's, prior award or allocation remains in default status or such other time period as specified by the Fund in writing.

5. *Termination in default:* The Fund will not consider an application submitted by an Applicant that is a prior Fund Awardee or allocatee under any Fund program if: (i) Within the 12-month period prior to the applicable application deadline of this NOFA, the Fund has made a final determination that such Applicant's prior award or allocation terminated in default of a previously executed assistance, allocation, or award agreement(s); and (ii) the final reporting period end date for the applicable terminated assistance, allocation, or award agreement(s) falls within the 12-month period prior to the application deadline of this NOFA. Further, an entity is not eligible to apply for an award pursuant to this NOFA if: (i) Within the 12-month period prior to the applicable application deadline, the Fund has made a final determination that an Affiliate of the Applicant is a prior Fund Awardee or allocatee under any Fund program whose award or allocation terminated in default of a previously executed assistance, allocation, or award agreement(s); and (ii) the final reporting period end date for the applicable terminated assistance, allocation, or award agreement(s) falls within the 12-month period prior to the application deadline of this NOFA.

6. *Undisbursed award funds:* The Fund will not consider an application submitted by an Applicant that is a prior Fund Awardee under any Fund program if the Applicant has a balance of undisbursed award funds (defined below) under said prior award(s), as of the applicable application deadline of this NOFA. Further, an entity is not eligible to apply for an award pursuant to this NOFA if an Affiliate of the Applicant is a prior Fund Awardee under any Fund program, and has a balance of undisbursed award funds under said prior award(s), as of the applicable application deadline of this NOFA. In a case where another entity that Controls the Applicant, is Controlled by the Applicant or shares common management officials with the Applicant (as determined by the Fund) is a prior Fund Awardee under any Fund program and has a balance of undisbursed award funds under said prior award(s), as of the applicable application deadline of this NOFA, the Fund will include the combined awards of the Applicant and such Affiliated entities when calculating the amount of undisbursed award funds.

For purposes of the calculation of undisbursed award funds for the BEA Program, only awards made to the Applicant (and any Affiliates) three to five calendar years prior to the end of the calendar year of the application deadline of this NOFA are included (''includable BEA awards''). Thus, for purposes of this NOFA, undisbursed BEA Program award funds are the amount of FYs 2004, 2005, and 2006 awards that remain undisbursed as of the application deadline of this NOFA.

For purposes of the calculation of undisbursed award funds for the CDFI Program and the Native Initiatives Funding Programs, only awards made to the Applicant (and any Affiliates) two to five calendar years prior to the end of the calendar year of this NOFA are included (''includable CDFI/NI awards''). Thus, for purposes of this NOFA, undisbursed CDFI Program and NI awards are the amount of FYs 2004, 2005, 2006, and 2007 awards that remain undisbursed as of the application deadline of this NOFA.

To calculate total includable BEA/CDFI/NI awards: amounts that are undisbursed as of the application deadline of this NOFA cannot exceed five percent (5%) of the total includable awards. Please refer to an example of this calculation on the Fund's Web site, found in the Q&A document for the FY 2009 Funding Round.

The ''undisbursed award funds'' calculation does not include: (i) Tax credit allocation authority made available through the NMTC Program; (ii) any award funds for which the Fund received a full and complete disbursement request from the Awardee by the applicable application deadline of this NOFA; (iii) any award funds for an award that has been terminated in writing by the Fund or deobligated by the Fund; or (iv) any award funds for an award that does not have a fully executed assistance or award agreement. The Fund strongly encourages Applicants requesting disbursements of ''undisbursed funds'' from prior awards to provide the Fund with a complete disbursement request at least 10

business days prior to the application deadline of this NOFA.

7. *Contacting the Fund:* Applicants that are prior Fund Awardees are advised to: (i) Comply with requirements specified in assistance, allocation and/or award agreement(s), and (ii) contact the Fund to ensure that all necessary actions are underway for the disbursement or deobligation of any outstanding balance of said prior award(s). Disbursement questions should be directed to Grants Management via e-mail to *grantsmanagement@cdfi.treas.gov.* Reporting and compliance questions should be directed to Compliance, Monitoring and Evaluation (CME) at (202) 622–6330 or by e-mail to *cme@cdfi.treas.gov.* Telephone calls to Grants Management and Financial Management should be directed to (202) 622–8226; facsimiles to (202) 622–7754; and mail to CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The Fund will respond to Applicants' reporting, disbursement or compliance questions between the hours of 9 a.m. and 5 p.m. ET, starting the date of the publication of this NOFA through May 25, 2009. The Fund will not respond to Applicants' reporting, disbursement or compliance phone calls or e-mail inquiries that are received after 5 p.m. ET on said date, until after the funding application deadline.

C. *Other Targeted Populations as Target Markets:* Other Targeted Populations are defined as identifiable groups of individuals in the Applicant's service area for which there exists a strong basis of evidence that they lack access to loans, Equity Investments, and/or Financial Services. The Fund has determined that there is strong basis of evidence that the following groups of individuals lack access to loans, Equity Investments, and/or Financial Services on a national level: Blacks or African Americans, Native Americans or American Indians, and Hispanics or Latinos. In addition, for purposes of this NOFA, the Fund has determined that there is a strong basis of evidence that Alaskan Natives residing in Alaska, Native Hawaiians residing in Hawaii, and Other Pacific Islanders residing in other Pacific Islands, lack adequate access to loans, Equity Investments, or Financial Services. An Applicant designating any of the above-cited Other Targeted Populations is not required to provide additional narrative explaining the Other Targeted Population's lack of adequate access to loans, Equity Investments, or Financial Services. For purposes of this NOFA, the Fund will use the following definitions, set forth in the Office of Management and Budget (OMB) Notice, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity (October 30, 1997), as amended and supplemented:

(a) *American Indian, Native American or Alaskan Native:* a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment;

(b) *Black or African American*: a person having origins in any of the black racial groups of Africa (terms such as ''Haitian'' or ''Negro'' can be used in addition to ''Black or African American'');

(c) *Hispanic or Latino:* a person of Cuban, Mexican, or Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race (the term ''Spanish origin'' can be used in addition to ''Hispanic or Latino''); and

(d) *Native Hawaiian:* a person having origins in any of the original peoples of Hawaii; and

(e) *Other Pacific Islander:* a person having origins in any of the original peoples of Guam, Samoa or other Pacific Islands.

D. *Matching Funds:* Pursuant to the Recovery Act, matching funds requirements have been waived for the FY 2009 Funding Round of the CDFI Program.

IV. Application and Submission Information

A. *Form of Application Submission:* Applicants must submit applications under this NOFA electronically. Applications sent by mail, facsimile, or other form will not be permitted, except in circumstances that the Fund, in its sole discretion, deems acceptable.

B. *Applications Submitted via myCDFIFund:* Applicants must submit applications under this NOFA electronically, through myCDFIFund, the Fund's internet-based interface. Please note that, for the Supplemental FY 2009 Funding Round, the Fund will not accept Applications through Grants.gov. Applications sent by mail, facsimile, or other form will generally not be accepted, except in circumstances approved by the Fund, in its sole discretion. The Fund will post to its Web site at *www.cdfifund.gov* instructions for accessing and submitting an Application as soon as they become available.

C. *Application Content Requirements:* Detailed application content requirements are found in the application and guidance. Please note that, pursuant to OMB guidance (68 **Federal Register** 38402), each Applicant must provide, as part of its application submission, a Dun and Bradstreet Data Universal Numbering System (DUNS) number. In addition, each application must include a valid and current Employer Identification Number (EIN), with a letter or other documentation from the Internal Revenue Service (IRS) confirming the Applicant's EIN. An electronic application that does not include an EIN is incomplete and cannot be transmitted to the Fund. Applicants should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for identification numbers. Once an application is submitted, the Applicant will not be allowed to change any element of the application. The preceding sentence does not limit the Fund's ability to contact an Applicant for the purpose of obtaining clarifying or confirming application information (such as a DUNS number or EIN information).

D. *MyCDFIFund Accounts:* All Applicants must register User and Organization accounts in myCDFIFund, the Fund's Internet-based interface. An Applicant must be registered as both a User and an Organization in myCDFIFund as of the applicable application deadline in order to be considered to have submitted a complete application. As myCDFIFund is the Fund's primary means of communication with Applicants and Awardees, organizations must make sure that they update the contact information in their myCDFIFund accounts before the applicable application deadline. For more information on myCDFIFund, please see the ''Frequently Asked Questions'' link posted at *https://www.cdfifund.gov/myCDFI/Help/Help.asp.*

E. Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the Application has been assigned the following control number: 1559–0021.

F. *Application Deadlines:* Applicants must submit all materials described in and required by the application by the applicable deadline.

1. *Application Deadlines:* Applications must be received in accordance with this NOFA by the following deadlines:

TABLE 2—FY 2009 CDFI PROGRAM DEADLINES

[All 5 p.m. ET deadlines]

Application type	Application deadline	Last date to contact fund staff
CDFI Program Funding Application (FA) (Core/SECA).	Wednesday, May 27, 2009	Monday, May 25, 2009.

All funding applications must be electronic and submitted through myCDFIFund: No paper submittals or attachments will be accepted (please see the CDFI Certification Application for requirements specific to that application).

2. *Late Delivery:* The Fund will neither accept a late application nor any portion of an application that is late; an application that is late, or for which any portion is late, will be rejected. The Fund will not grant exceptions or waivers. Any application that is deemed ineligible will not be returned to the Applicant.

G. *Intergovernmental Review:* Not applicable.

H. *Funding Restrictions:* For allowable uses of FA proceeds, please see the Regulations at 12 CFR 1805.301.

V. Application Review Information

A. *Format:* Funding applications must be single-spaced and use a 12-point font with 1-inch margins. Each section in the Application that is scored has page limitations. Applicants are encouraged to read each section carefully and to remain within the page limitations for each section. The Fund will not consider responses beyond the specified page limitation in each section. Also, the Fund will read only information requested in the Application and will not read attachments that have not been specifically requested in this NOFA or the Application, such as the Applicant's five-year strategic or marketing plans.

B. *Criteria:* The Fund will evaluate each application on a 100-point scale using numeric scores with respect to the five sections required in the Application. The Fund will score each section as follows:

TABLE 3—APPLICATION SCORING CRITERIA

Application sections	Scoring points
Market Analysis	SECA–25 Core–20.
Business Strategy	SECA–25 Core–20.
Community Development Performance & Effective Use.	SECA–20 Core–20.
Management	SECA–20 Core–20.
Financial Health & Viability	SECA–10 Core–20.

C. *Review and Selection Process:*

1. *Eligibility and Completeness Review:* The Fund will review each application to determine whether it is complete and the Applicant meets the eligibility requirements set forth above. An incomplete application does not meet eligibility requirements and will be rejected. Any application that does not meet eligibility requirements will not be returned to the Applicant.

2. *Substantive Review:* If an application is determined to be complete and the Applicant is determined to be eligible, the Fund will conduct the substantive review of the application in accordance with the criteria and procedures described in the Regulations, this NOFA, and the application and guidance. As part of the review process, the Fund may contact the Applicant by telephone, e-mail, mail, or through an on-site visit for the sole purpose of obtaining clarifying or confirming application information (such as statements of work, matching funds documentation, EINs, or DUNS numbers, for example). After submitting its application, the Applicant will not be permitted to revise or modify its application in any way nor attempt to negotiate the terms of an award. If contacted for clarifying or confirming information, the Applicant must respond within the time parameters set by the Fund.

3. *Application Scoring; Ranking:*

(a) *Application Scoring:* The Fund will evaluate each application on a 100-point scale, comprising the five criteria categories described above, and assign numeric scores. An Applicant must receive a minimum score in each evaluation criteria in order to be considered for an award.

(b) *Evaluating Prior Award Performance:* In the case of an Applicant that has previously received funding from the Fund through any Fund program, the Fund will consider and will deduct points for: (i) The Applicant's noncompliance with any active award or award that terminated in Calendar Year 2009 in meeting its performance goals and measures, reporting deadlines, and other requirements set forth in the assistance or award agreement(s) with the Fund during the Applicant's two complete fiscal years prior to the application deadline of this NOFA; (ii) the Applicant's failure to make timely loan payments to the Fund during the Applicant's two complete fiscal years prior to the application deadline of this NOFA (if applicable); (iii) performance on any prior Assistance Agreement as part of the overall assessment of the Applicant's ability to carry out its Comprehensive Business Plan; and (iv) funds deobligated from a FY 2006, FY 2007, or FY 2008 FA award (if the Applicant is applying for a FA award under this NOFA) if (A) the amount of deobligated funds is at least $200,000 and (B) the deobligation occurred subsequent to the expiration of the period of award funds availability (generally, any funds deobligated after the September 30th following the year in which the award was made). Any award deobligations that result in a point deduction under an application submitted pursuant to either funding round of this NOFA will not be counted against any future application for FA through the CDFI Program. Furthermore, in the case of an Applicant that has previously received funding through any Fund program, the Fund will consider and may, in its discretion, deduct points for those Applicants that have in any proceeding instituted against the Applicant in, by, or before any court, governmental or administrative body or agency received a final determination within the last three (3) years indicating that the Applicant has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex.

(c) *Ranking:* The Fund then will rank the applications by their scores, from highest to lowest.

4. *Award Selection:* The Fund will make its final award selections based on the rank order of Applicants by their scores and the amount of funds

available. Category I/SECA and Category II/Core Applicants will be ranked separately. In addition, the Fund shall consider the institutional and geographic diversity of Applicants when making its funding decisions.

5. *Insured CDFIs:* In the case of Insured Depository Institutions and Insured Credit Unions, the Fund will take into consideration the views of the Appropriate Federal Banking Agencies; in the case of State-Insured Credit Unions, the Fund may consult with the appropriate State banking agencies (or comparable entity). The Fund will not approve a FA award to any Insured Credit Union (other than a State-Insured Credit Union) or Insured Depository Institution Applicant for which its Appropriate Federal Banking Agency indicates it has safety and soundness concerns, unless the Appropriate Federal Banking Agency asserts, in writing, that (i) improvement in status is imminent and such improvement is expected to occur not later than September 30, 2009, or within such other time frame deemed acceptable by the Fund, or (ii) the safety and soundness condition of the Applicant is adequate to undertake the activities for which the Applicant has requested a FA award and the obligations of an Assistance Agreement related to such a FA award.

6. *Award Notification:* Each Applicant will be informed of the Fund's award decision either through a Notice of Award if selected for an award (see Notice of Award section, below) or written declination if not selected for an award. Each Applicant that is not selected for an award based on reasons other than completeness or eligibility issues will be provided a written debriefing on the strengths and weaknesses of its application. This feedback will be provided in a format and within a timeframe to be determined by the Fund, based on available resources. The Fund will notify Awardees by e-mail using the addresses maintained in the Awardee's myCDFIFund account (postal mailings will be used only in rare cases).

7. The Fund reserves the right to reject an application if information (including administrative errors) comes to the attention of the Fund that either adversely affects an applicant's eligibility for an award, or adversely affects the Fund's evaluation or scoring of an application, or indicates fraud or mismanagement on the part of an Applicant. If the Fund determines that any portion of the application is incorrect in any material respect, the Fund reserves the right, in its sole discretion, to reject the application. The Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the Fund deems it appropriate; if said changes materially affect the Fund's award decisions, the Fund will provide information regarding the changes through the Fund's Web site. There is no right to appeal the Fund's award decisions. The Fund's award decisions are final.

VI. Award Administration Information

A. *Notice of Award:* The Fund will signify its conditional selection of an Applicant as an Awardee by delivering a signed Notice of Award to the Applicant through its myCDFIFund account. The Notice of Award will contain the general terms and conditions underlying the Fund's provision of assistance including, but not limited to, the requirement that the Awardee and the Fund enter into an Assistance Agreement. The Applicant must execute the Notice of Award and return it to the Fund. By executing a Notice of Award, the Awardee agrees, among other things, that, if prior to entering into an Assistance Agreement with the Fund, information (including administrative error) comes to the attention of the Fund that either adversely affects the Awardee's eligibility for an award, adversely affects the Fund's evaluation of the Awardee's application, or indicates fraud or mismanagement on the part of the Awardee, the Fund may, in its discretion and without advance notice to the Awardee, terminate the Notice of Award or take such other actions as it deems appropriate. Moreover, by executing a Notice of Award, the Awardee agrees that, if prior to entering into an Assistance Agreement with the Fund, the Fund determines that the Awardee or an Affiliate of the Awardee, is in default of any Assistance Agreement previously entered into with the Fund, the Fund may, in its discretion and without advance notice to the Awardee, either terminate the Notice of Award or take such other actions as it deems appropriate. The Fund reserves the right, in its sole discretion, to rescind its award if the Awardee fails to return the Notice of Award, signed by the authorized representative of the Awardee, along with any other requested documentation, within the deadline set by the Fund. For purposes of this section, the Fund will consider an Affiliate to mean any entity that meets the definition of Affiliate in the Regulations or any entity otherwise identified as an Affiliate by the Applicant in its funding Application under this NOFA.

1. *Failure to meet reporting requirements:* If, after considering an Application, an Awardee, or an Affiliate of the Awardee that is a prior Fund Awardee or allocatee under any Fund program becomes not current on the reporting requirements set forth in the previously executed assistance, allocation, or award agreement(s), as of the date of the Notice of Award, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement until said prior Awardee or allocatee is current on the reporting requirements in any previously executed assistance, allocation, or award agreement(s). Please note that the Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received. If said prior Awardee or allocatee is unable to meet this requirement within the timeframe set by the Fund, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

2. *Pending resolution of noncompliance:* If an Applicant is a prior Awardee or allocatee under any Fund program and if: (i) It has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award, or allocation agreement, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, pending full resolution, in the sole determination of the Fund, of the noncompliance. Further, if an Affiliate of the Awardee is a prior Fund Awardee or allocatee and if such entity: (i) Has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award, or allocation agreement, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, pending full resolution, in the sole determination of the Fund, of the noncompliance. If the prior Awardee or allocatee in question is unable to satisfactorily resolve the issues of noncompliance, in the sole determination of the Fund, the Fund reserves the right, in its sole discretion, to terminate and rescind the

Notice of Award and the award made under this NOFA.

3. *Default status:* If, after considering an application and prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Awardee that is a prior Fund Awardee or allocatee under any Fund program is in default of a previously executed assistance, allocation, or award agreement(s), the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, until said prior Awardee or allocatee has submitted a complete and timely report demonstrating full compliance with said agreement within a timeframe set by the Fund. Further, if at any time prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Affiliate of the Awardee is a prior Fund Awardee or allocatee under any Fund program and is in default of a previously executed assistance, allocation, or award agreement(s), the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, until said prior Awardee or allocatee has submitted a complete and timely report demonstrating full compliance with said agreement within a timeframe set by the Fund. If said prior Awardee or allocatee is unable to meet this requirement and the Fund has not specified in writing that the prior Awardee or allocatee is otherwise eligible to receive an Award under this NOFA, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

4. *Termination in default:* If (i) within the 12-month period prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Awardee is a prior Fund Awardee or allocatee under any Fund program whose award or allocation was terminated in default of such prior agreement; and (ii) the final reporting period end date for the applicable terminated agreement falls within the 12-month period prior to the application deadline of this NOFA, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement. Further, if (i) within the 12-month period prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Affiliate of the Awardee is a prior Fund Awardee or allocatee under any Fund program whose award or allocation was terminated in default of such prior agreement; and (ii) the final reporting period end date for the applicable terminated agreement falls within the 12-month period prior to the application deadline of this NOFA, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement.

5. *Deobligated awards:* An Awardee that receives a FA award pursuant to this NOFA for which an amount over $200,000 is deobligated by the Fund subsequent to the expiration of the period of award funds availability (generally, any funds deobligated after the September 30th following the year in which the award was made) but within the 12 months prior to the application deadline, may not apply for a new award through the NOFA for another CDFI Fund program funding round after the date of said deobligation.

6. *Compliance with Federal Anti-Discrimination Laws:* If the Awardee has previously received funding through any Fund program, and if at any time prior to entering into an Assistance Agreement through this NOFA, the Fund is made aware of a final determination, made within the last three (3) years, in any proceeding instituted against the Awardee in, by, or before any court, governmental, or administrative body or agency, declaring that the Awardee has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

B. *Assistance Agreement:* Each Applicant that is selected to receive an award under this NOFA must enter into an Assistance Agreement with the Fund in order to receive disbursement of award proceeds. The Assistance Agreement will set forth certain required terms and conditions of the award, which will include, but not be limited to: (i) The amount of the award; (ii) the type of award; (iii) the approved uses of the award; (iv) the approved eligible market to which the funded activity must be targeted; (v) performance goals and measures; and (vi) reporting requirements for all Awardees. FA-only Assistance Agreements under this NOFA generally will have three-year performance periods.

The Fund reserves the right, in its sole discretion, to terminate the Notice of Award and rescind an award if the Awardee fails to return the Assistance Agreement, signed by the authorized representative of the Awardee, and/or provide the Fund with any other requested documentation, within the deadlines set by the Fund.

Each FA Awardee must provide the Fund with a certificate of good standing (or equivalent documentation) from its state (or jurisdiction) of incorporation.

C. *Reporting:*

1. *Reporting requirements:* The Fund will collect information, on at least an annual basis, from each Awardee including, but not limited to, an Annual Report that comprises the following components: (i) Financial Reports (including an OMB A–133 audit, as applicable); (ii) Institution Level Report; (iii) Transaction Level Report (for Awardees receiving FA awards); (iv) Uses of Financial Assistance Report (for Awardees receiving FA awards); (v) Explanation of Noncompliance (as applicable); and (vi) such other information as the Fund may require. Each Awardee is responsible for the timely and complete submission of the Annual Report, even if all or a portion of the documents actually is completed by another entity or signatory to the Assistance Agreement. If such other entities or signatories are required to provide Institution Level Reports, Transaction Level Reports, Financial Reports, or other documentation that the Fund may require, the Awardee is responsible for ensuring that the information is submitted timely and complete. The Fund reserves the right to contact such additional entities or signatories to the Assistance Agreement and require that additional information and documentation be provided. The Fund will use such information to monitor each Awardee's compliance with the requirements set forth in the Assistance Agreement and to assess the impact of the CDFI Program. The Institution Level Report and the Transaction Level Report must be submitted through the Fund's web-based data collection system, the Community Investment Impact System (CIIS). The Financial Report may be submitted through CIIS. All other components of the Annual Report may be submitted electronically, as directed, by the Fund. The Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Awardees.

2. *Accounting:* The Fund will require each Awardee that receives a FA award through this NOFA to account for and track the use of said FA award. This means that for every dollar of a FA award received from the Fund, the Awardee will be required to inform the Fund of its uses. This will require

Awardees to establish separate administrative and accounting controls, subject to the applicable OMB Circulars. The Fund will provide guidance to Awardees outlining the format and content of the information to be provided on an annual basis, outlining and describing how the funds were used. Each Awardee that receives an award must provide the Fund with the required complete and accurate Automated Clearinghouse (ACH) form for its bank account prior to award closing and disbursement.

VII. Agency Contacts

A. The Fund will respond to questions and provide support concerning this NOFA and the funding application between the hours of 9 a.m. and 5 p.m. ET, starting the date of the publication of this NOFA through May 25, 2009. The Fund will not respond to questions or provide support concerning the application that are received after 5 p.m. ET on said dates, until after the respective funding application deadline. Applications and other information regarding the Fund and its programs may be obtained from the Fund's Web site at *http://www.cdfifund.gov.* The Fund will post on its Web site responses to questions of general applicability regarding the CDFI Program.

B. *The Fund's contact information is as follows:*

TABLE 4—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	E-mail addresses
Fax number for all offices: 202–622–7754		
Information Technology/Technical Support	202–622–2455	*ithelpdesk@cdfi.treas.gov.*
CDFI Program	202–622–6355	*cdfihelp@cdfi.treas.gov.*
CDFI Certification	202–622–6355	*cdfihelp@cdfi.treas.gov.*
Grants Management	202–622–8226	*grantsmanagement@cdfi.treas.gov.*
Compliance, Monitoring and Evaluation	202–622–6330	*cme@cdfi.treas.gov.*

C. *Information Technology Support:* People who have visual or mobility impairments that prevent them from creating a Target Market map using the Fund's Web site should call (202) 622–2455 for assistance (this is not a toll free number).

D. *Legal Counsel Support:* If you have any questions or matters that you believe require response by the Fund's Office of Legal Counsel, please refer to the document titled ''How to Request a Legal Review,'' found on the Fund's Web site at *http://www.cdfifund.gov.* Further, if you wish to review the Assistance Agreement form document from a prior funding round, you may find it posted on the Fund's Web site (please note that there may be revisions to the Assistance Agreement that will be used for Awardees under this NOFA and thus the sample document on the Fund's Web site is provided for illustrative purposes only and should not be relied on for purposes of this NOFA).

E. *Communication with the CDFI Fund:* The Fund will use the myCDFIFund Internet interface to correspond with Applicants and Awardees, using the contact information maintained in their respective myCDFIFund accounts. Therefore, the Applicant and any Subsidiaries, signatories, and Affiliates must maintain accurate contact information (including contact person and authorized representative, e-mail addresses, fax numbers, phone numbers, and office addresses) in its myCDFIFund account(s). For more information about my CDFIFund (which includes information about the Fund's Community Investment Impact System), please see the Help documents posted at *http://www.cdfifund.gov/ciis/accessingciis.pdf.*

VIII. Information Sessions and Outreach

The Fund may conduct webcasts or host information sessions for organizations that are considering applying to, or are interested in learning about, the Fund's programs. For further information, please visit the Fund's Web site at *http://www.cdfifund.gov.*

Authority: 12 U.S.C. 4703, 4704, 4706, 4707, 4717; 12 CFR part 1805.

Dated: April 17, 2009.

Donna J. Gambrell,

Director, Community Development Financial Institutions Fund.

[FR Doc. E9–9633 Filed 4–27–09; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability (NOFA) Inviting Applications for the Supplemental FY 2009 Funding Round of the Native American CDFI Assistance (NACA) Program

Announcement Type: Announcement of funding opportunity.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.020

Dates: Applications for Financial Assistance (FA) awards through the Supplemental FY 2009 Funding Round of the NACA Program must be received by 5 p.m. ET, Wednesday, May 27, 2009.

Executive Summary: For FY 2009, the Community Development Financial Institutions (CDFI) Fund (the Fund), an office within the Department of the Treasury, will conduct its NACA Program funding round in two components: (i) The Initial FY 2009 Funding Round, as set forth in the NOFA published on October 1, 2008 (73 *FR* 57196), and the Fund's Recovery Act Implementation Plan, issued on March 18, 2009 pursuant to the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5, Division A, Title V) (hereafter, the Recovery Act), and (ii) the Supplemental FY 2009 Funding Round, as set forth in this NOFA. Together, the two components comprise the FY 2009 Funding Round of the NACA Program.

I. Funding Opportunity Description

A. Through the NACA Program, the CDFI Fund provides: (i) FA awards to CDFIs that have at least 50 percent of their activities directed toward serving Native American, Alaskan Native and/or Native Hawaiian Communities (Native CDFIs) that have Comprehensive Business Plans for creating demonstrable community development impact through the deployment of credit, capital, and financial services within their respective Target Markets or the expansion into new Investment Areas, Low-Income Targeted Populations, or Other Targeted Populations, and (ii) technical assistance (TA) grants to Native CDFIs,

entities proposing to become Native CDFIs, and to Native organizations, Tribes, and Tribal organizations that propose to create Native CDFIs (Sponsoring Entities), in order to build the Native CDFIs' capacity to better address the community development and capital access needs of their existing or proposed Target Markets and/or to become certified Native CDFIs.

B. The regulations governing the CDFI Program are found at 12 CFR Part 1805 (the Regulations) and provide guidance on evaluation criteria and other requirements of the NACA Program. The Fund encourages Applicants to review the Regulations. Detailed application content requirements are found in the applicable funding application and related guidance materials. Each capitalized term in this NOFA is more fully defined in the Regulations, the application, or the guidance materials.

C. The Fund reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFA. The Fund reserves the right to re-allocate funds from the amount that is anticipated to be available under this NOFA to other Fund programs, particularly if the Fund determines that the number of awards made under this NOFA is fewer than projected.

II. Award Information

A. *Funding Availability:* Through this NOFA, and subject to funding availability, the Fund expects that it may award approximately $8 million in appropriated funds. The Fund reserves the right to award in excess of $8 million in appropriated funds to Applicants in the Supplemental FY 2009 Funding Round, provided that the funds are available and the Fund deems it appropriate.

B. *Types of Awards:* Funding for the Supplemental FY 2009 Funding Round of the NACA Program is limited to FA awards only; FA awards will be made only in the form of grants. FA awards are intended to provide flexible financial support to Native CDFIs so that they may achieve the strategies outlined in their Comprehensive Business Plans. FA awards can be used in the following four categories: (i) Financial Products, (ii) Loan Loss Reserves, (iii) Capital Reserves, and/or (iv) Operations. For purposes of this NOFA, Financial Products means loans, grants, equity investments and similar financing activities, including the purchase of loans originated by certified Native CDFIs and the provision of loan guarantees, in the Applicant's Target Market, or for related purposes that the Fund deems appropriate. Loan Loss Reserves means funds that the Applicant will set aside in the form of cash, or through accounting-based accrual, reserves to cover losses on loans, accounts and notes receivable made in its Target Market, or for related purposes that the Fund deems appropriate. Capital Reserves means funds that the Applicant will set aside in the form of reserves to support the Applicant's ability to leverage other capital, for such purposes as increasing its net assets or serving the financing needs of its Target Market, or for related purposes that the Fund deems appropriate. FA awards used for Operations refer to funds that the Applicant will use to undertake Development Services, Financial Services, and/or for related purposes that the Fund deems appropriate. FA awards are most commonly used for an Applicant's Financial Products since FA funds can be used to support the Applicant's community development lending activities.

The Fund reserves the right, in its sole discretion, to provide a FA award in an amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant's award request as stated in its Application.

C. *Notice of Award; Assistance Agreement:* Each Awardee under this NOFA must sign a Notice of Award and an Assistance Agreement in order to receive a disbursement of award proceeds by the Fund. The Notice of Award and the Assistance Agreement contain the terms and conditions of the award. For further information, see Sections VI.A and VI.B of this NOFA.

III. Eligibility Information

A. *Eligible Applicants:* The Regulations specify the eligibility requirements that each Applicant must meet in order to be eligible to apply for assistance under this NOFA. The following sets forth additional detail and dates that relate to the submission of applications under this NOFA:

1. Any Certified or Certifiable Native CDFI that did not apply in the Initial FY 2009 Funding Round is eligible to apply for a FA award under the Supplemental FY 2009 Funding Round, as set forth in this NOFA. For eligibility criteria applicable to entities that submitted applications under the Initial FY 2009 Funding Round, see Section III.A.2., below.

2. *Eligibility of Initial FY 2009 Funding Round Applicants:*

(a) Any Applicant that submitted an application under the Initial FY 2009 Funding Round will automatically be considered for funding through the Supplemental FY 2009 Funding Round, so long as the Applicant: (i) submitted an application for FA or FA/TA under the Initial FY 2009 Funding Round prior to the December 17, 2008 application deadline, and (ii) did not receive notification from either Grants.gov or the CDFI Fund that its application was declined, rejected, ineligible, or fatally incomplete. Such an Applicant does not need to submit a new application for an award through the Supplemental FY 2009 Funding Round: meaning, the application that such an Applicant submitted for the Initial FY 209 Funding Round will be considered by the Fund for an award under the Supplemental FY 2009 Funding Round. Please note, however, that any Applicant that receives a FA award through the Initial FY 2009 Funding Round may not also receive a FA award through the Supplemental FY 2009 Funding Round.

(b) An Applicant that applied for FA or FA/TA under the Initial FY 2009 Funding Round whose application was submitted after the December 19, 2008 application deadline, or that received notification from Grants.gov or the CDFI Fund that its application was declined, rejected, ineligible, or fatally incomplete must submit a new application under this NOFA in order to be eligible for funding in the Supplemental FY 2009 Funding Round: meaning, the application that such an Applicant submitted for the Initial FY 2009 Funding Round will not be considered for an award under the Supplemental FY 2009 Funding Round.

(c) An Applicant that submitted an application for TA-Only under the Initial FY 2009 Funding Round must submit an application under this NOFA to be eligible for FA funding in the Supplemental FY 2009 Funding Round.

3. *FA Applicant Categories:* All Applicants for FA awards through this NOFA must meet the criteria below:

TABLE 1—FA APPLICANT CRITERIA

FA applicant category	Applicant criteria	Applicant may apply for:	Application deadline
Native CDFI	A Certified/Certifiable Native CDFI that meets all other eligibility requirements described in this NOFA.	Up to and including $750,000 in FA funds. However, the amount of FA funds awarded may be reduced by the amount of any TA awards received by an Awardee in the Initial FY 2009 Funding Round.	5:00 p.m. ET, Wednesday, May 27, 2009.

Please note: (1) The Fund reserves the right, in its sole discretion, to award amounts in excess of or less than the anticipated maximum award amounts permitted in this NOFA, if the Fund deems it appropriate. (2) The term ''Native Initiatives Funding Programs'' refers to the Native American CDFI Assistance (NACA) Program and all prior Native American funding programs sponsored by the Fund, through which funds are no longer available, including the Native American CDFI Technical Assistance (NACTA) Component of the CDFI Program, the Native American CDFI Development (NACD) Program, and the Native American Technical Assistance (NATA) Component of the CDFI Program.

4. *Native CDFI Certification Requirements:* For purposes of this NOFA, eligible FA Applicants include Certified Native CDFIs and Certifiable Native CDFIs, defined as follows:

(a) *Certified Native CDFIs:* For purposes of this NOFA, a Certified Native CDFI is an entity that has received official notification from the Fund that it meets all CDFI certification requirements as of March 18, 2009, the certification of which has not expired and that has not been notified by the Fund that its certification has been terminated. Each such Applicant must submit a ''Certification of Material Event Form'' to the Fund not later than May 15, 2009. Please note: the Fund provided some Native CDFIs with written notification that their certifications had been extended. The Fund will consider the extended certification date (the later date) to determine whether those Native CDFIs meet this eligibility requirement.

(b) *Certifiable Native CDFIs:* For purposes of this NOFA, a Certifiable Native CDFI is an entity from which the Fund has received a complete CDFI Certification Application no later than March 18, 2009, evidencing that the Applicant meets the requirements to be certified as a Native CDFI. Please note: while a Certifiable Native CDFI may be conditionally selected for a FA award (as evidenced through the Notice of Award), the Fund will not enter into an Assistance Agreement or disburse award funds unless and until the Fund has officially certified the organization as a Native CDFI. If the Fund is unable to certify the organization as a Native CDFI based on the CDFI certification application that the organization submits to the Fund, the Notice of Award may be terminated and the award commitment may be cancelled, in the sole discretion of the Fund.

5. *Limitation on Awards:* An Applicant may receive only one FA award through the FY 2009 Funding Round of the NACA Program; meaning, any Applicant that receives a FA award under the Initial FY 2009 Funding Round may not also receive a FA award under the Supplemental FY 2009 Funding Round. Further, the amount of a FA award made through the Supplemental FY 2009 Funding Round will be reduced by the amount of any TA award received by an Awardee in the Initial FY 2009 Funding Round. A NACA Program Applicant, its Subsidiaries or Affiliates also may apply for and receive a tax credit allocation through the NMTC Program, but only to the extent that the activities approved for NACA Program awards are different from those activities for which the Applicant receives a New Markets Tax Credit (NMTC) Program allocation.

6. *Waiver of General Applicability for FY 2009 BEA Program Applicants:* For the purposes of the Supplemental FY 2009 Funding Round of the CDFI Program, the Fund hereby waives the requirements of 12 CFR 1805.102(a)(1)(i). All other requirements of 12 CFR 1805.102 remain in effect. Therefore, an Applicant may receive a FY 2009 Bank Enterprise Award (BEA) Program award if it has a CDFI Program application pending in the Supplemental FY 2009 Funding Round of the CDFI Program subject to the limitations of 12 CFR 1806.102.

7. *Contacting the Fund.* The CDFI Certification Application and other information regarding CDFI certification may be obtained from the Fund's Web site at *http://www.cdfifund.gov.*

B. *Prior Awardees:* Applicants must be aware that success in a prior round of any of the Fund's programs is not indicative of success under this NOFA. For purposes of this section, the Fund will consider an Affiliate to be any entity that meets the definition of Affiliate in the Regulations or any entity otherwise identified as an Affiliate by the Applicant in its funding Application under this NOFA. Prior Awardees should note the following:

1. *$5 million funding cap:* Pursuant to the Recovery Act, the $5 million dollar funding cap is waived for the FY 2009 Funding Round of the NACA Program.

2. *Failure to meet reporting requirements:* The Fund will not consider an application submitted by an Applicant if the Applicant, or an Affiliate of the Applicant is a prior Fund Awardee or allocatee under any Fund program and is not current on the reporting requirements set forth in a previously executed assistance, allocation or award agreement(s), as of the applicable application deadline of this NOFA. Please note that the Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received.

3. *Pending resolution of noncompliance:* If an Applicant is a prior Awardee or allocatee under any Fund program and if: (i) It has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, allocation, or award agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, allocation, or award agreement, the Fund will consider the Applicant's application under this NOFA pending full resolution, in the sole determination of the Fund, of the noncompliance. Further, if an Affiliate of the Applicant is a prior Fund Awardee or allocatee and if such entity: (i) Has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, allocation, or award

agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, allocation, or award agreement, the Fund will consider the Applicant's application under this NOFA pending full resolution, in the sole determination of the Fund, of the noncompliance.

4. *Default status:* The Fund will not consider an application submitted by an Applicant that is a prior Fund Awardee or allocatee under any Fund program if, as of the applicable application deadline of this NOFA, the Fund has made a final determination that such Applicant is in default of a previously executed assistance, allocation, or award agreement(s). Further, an entity is not eligible to apply for an award pursuant to this NOFA if, as of the applicable application deadline of this NOFA, the Fund has made a final determination that an Affiliate of the Applicant is a prior Fund Awardee or allocatee under any Fund program and has been determined by the Fund to be in default of a previously executed assistance, allocation, or award agreement(s). Such entities will be ineligible to apply for an award pursuant to this NOFA so long as the Applicant's, or its Affiliate's, prior award or allocation remains in default status or such other time period as specified by the Fund in writing.

5. *Termination in default:* The Fund will not consider an application submitted by an Applicant that is a prior Fund Awardee or allocatee under any Fund program if: (i) Within the 12-month period prior to the applicable application deadline of this NOFA, the Fund has made a final determination that such Applicant's prior award or allocation terminated in default of a previously executed assistance, allocation, or award agreement(s); and (ii) the final reporting period end date for the applicable terminated assistance, allocation, or award agreement(s) falls within the 12-month period prior to the application deadline of this NOFA. Further, an entity is not eligible to apply for an award pursuant to this NOFA if: (i) Within the 12-month period prior to the applicable application deadline, the Fund has made a final determination that an Affiliate of the Applicant is a prior Fund Awardee or allocatee under any Fund program whose award or allocation terminated in default of a previously executed assistance, allocation, or award agreement(s); and (ii) the final reporting period end date for the applicable terminated assistance, allocation, or award agreement(s) falls within the 12-month period prior to the application deadline of this NOFA.

6. *Undisbursed award funds:* The Fund will not consider an application submitted by an Applicant that is a prior Fund Awardee under any Fund program if the Applicant has a balance of undisbursed award funds (defined below) under said prior award(s), as of the applicable application deadline of this NOFA. Further, an entity is not eligible to apply for an award pursuant to this NOFA if an Affiliate of the Applicant is a prior Fund Awardee under any Fund program, and has a balance of undisbursed award funds under said prior award(s), as of the applicable application deadline of this NOFA. In a case where another entity that Controls the Applicant, is Controlled by the Applicant, or shares common management officials with the Applicant (as determined by the Fund), is a prior Fund Awardee under any Fund program and has a balance of undisbursed award funds under said prior award(s), as of the applicable application deadline of this NOFA, the Fund will include the combined awards of the Applicant and such Affiliated entities when calculating the amount of undisbursed award funds. For purposes of the calculation of undisbursed award funds for the BEA Program, only awards made to the Applicant (and any Affiliates) three to five calendar years prior to the end of the calendar year of the application deadline of this NOFA are included (''includable BEA awards''). Thus, for purposes of this NOFA, undisbursed BEA Program award funds are the amount of FY 2004, 2005, and 2006 awards that remain undisbursed as of the application deadline of this NOFA.

For purposes of the calculation of undisbursed award funds for the CDFI Program and the Native Initiatives Funding Programs, only awards made to the Applicant (and any Affiliates) two to five calendar years prior to the end of the calendar year of this NOFA are included (''includable CDFI/NI awards''). Thus, for purposes of this NOFA, undisbursed CDFI Program and NI awards are the amount of FYs 2004, 2005, 2006, and 2007 awards that remain undisbursed as of the application deadline of this NOFA.

To calculate total includable BEA/CDFI/NI awards: amounts that are undisbursed as of the application deadline of this NOFA cannot exceed five percent (5%) of the total includable awards. Please refer to an example of this calculation on the Fund's Web site, found in the Q&A document for the FY 2009 Funding Round.

The ''undisbursed award funds'' calculation does not include: (i) Tax credit allocation authority made available through the NMTC Program; (ii) any award funds for which the Fund received a full and complete disbursement request from the Awardee by the applicable application deadline of this NOFA; (iii) any award funds for an award that has been terminated in writing by the Fund or deobligated by the Fund; or (iv) any award funds for an award that does not have a fully executed assistance or award agreement. The Fund strongly encourages Applicants requesting disbursements of ''undisbursed funds'' from prior awards to provide the Fund with a complete disbursement request at least 10 business days prior to the application deadline of this NOFA.

7. *Contacting the Fund:* Applicants that are prior Fund Awardees are advised to: (i) Comply with requirements specified in assistance, allocation and/or award agreement(s), and (ii) contact the Fund to ensure that all necessary actions are underway for the disbursement or deobligation of any outstanding balance of said prior award(s). Disbursement questions should be directed to Grants Management via e-mail to *grantsmanagement@cdfi.treas.gov.* Reporting and compliance questions should be directed to Compliance, Monitoring and Evaluation (CME) at (202) 622–6330 or by e-mail to *cme@cdfi.treas.gov.* Telephone calls to Grants Management and Financial Management should be directed to (202) 622–8226; facsimiles to (202) 622–7754; and mail to CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The Fund will respond to Applicants' reporting, disbursement or compliance questions between the hours of 9 a.m. and 5 p.m. ET, starting the date of the publication of this NOFA through May 25, 2009. The Fund will not respond to Applicants' reporting, disbursement or compliance phone calls or e-mail inquiries that are received after 5 p.m. ET on said date, until after the funding application deadline.

C. *Matching Funds:* Pursuant to the Recovery Act, matching funds requirements have been waived for the FY 2009 Funding Round of the NACA Program.

IV. Application and Submission Information

A. *Form of Application Submission:* Applicants must submit applications under this NOFA electronically. Applications sent by mail, facsimile, or other form will not be permitted, except in circumstances that the Fund, in its sole discretion, deems acceptable.

B. *Applications Submitted via myCDFIFund:* Applicants must submit

applications under this NOFA electronically, through myCDFIFund, the Fund's Internet-based interface. Please note that the Fund, for the Supplemental FY 2009 Funding Round, the Fund will not accept Applications through Grants.gov. Applications sent by mail, facsimile, or other form will generally not be accepted, except in circumstances approved by the Fund, in its sole discretion. The Fund will post to its Web site at *http://www.cdfifund.gov* instructions for accessing and submitting an Application as soon as they become available.

C. *Application Content Requirements:* Detailed application content requirements are found in the application and guidance. Please note that, pursuant to OMB guidance (68 FR 38402), each Applicant must provide, as part of its application submission, a Dun and Bradstreet Data Universal Numbering System (DUNS) number. In addition, each application must include a valid and current Employer Identification Number (EIN), with a letter or other documentation from the Internal Revenue Service (IRS) confirming the Applicant's EIN. An electronic application that does not include an EIN is incomplete and cannot be transmitted to the Fund. Applicants should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for identification numbers. Once an application is submitted, the Applicant will not be allowed to change any element of the application. The preceding sentence does not limit the Fund's ability to contact an Applicant for the purpose of obtaining clarifying or confirming application information (such as a DUNS number or EIN information).

D. *MyCDFIFund Accounts:* All Applicants must register User and Organization accounts in myCDFIFund, the Fund's Internet-based interface. An Applicant must be registered as both a User and an Organization in myCDFIFund as of the applicable application deadline in order to be considered to have submitted a complete application. As myCDFIFund is the Fund's primary means of communication with Applicants and Awardees, organizations must make sure that they update the contact information in their myCDFIFund accounts before the applicable application deadline. For more information on myCDFIFund, please see the ''Frequently Asked Questions'' link posted at *https://www.cdfifund.gov/myCDFI/Help/Help.asp.*

E. Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the Application has been assigned the following control number: 1559–0025.

F. *Application Deadlines:* Applicants must submit all materials described in and required by the application by the applicable deadline.

1. *Application Deadlines:* Applications must be received in accordance with this NOFA by the following deadlines:

TABLE 2—FY 2009 CDFI PROGRAM DEADLINES

[All 5 p.m. ET deadlines]

Application type	Application deadline	Last date to contact fund staff
NACA Program Funding Application	Wednesday, May 27, 2009	Monday, May 25, 2009.

All funding applications must be electronic and submitted through myCDFIFund: No paper submittals or attachments will be accepted (please see the CDFI Certification Application for requirements specific to that application).

2. *Late Delivery:* The Fund will neither accept a late application nor any portion of an application that is late; an application that is late, or for which any portion is late, will be rejected. The Fund will not grant exceptions or waivers. Any application that is deemed ineligible will not be returned to the Applicant.

G. Intergovernmental Review: Not applicable.

H. Funding Restrictions: For allowable uses of FA proceeds, please see the Regulations at 12 CFR 1805.301.

V. Application Review Information

A. *Format:* Funding applications must be single-spaced and use a 12-point font with 1-inch margins. Each section in the Application that is scored has page limitations. Applicants are encouraged to read each section carefully and to remain within the page limitations for each section. The Fund will not consider responses beyond the specified page limitation in each section. Also, the Fund will read only information requested in the Application and will not read attachments that have not been specifically requested in this NOFA or the Application, such as the Applicant's five-year strategic or marketing plans.

B. *Criteria:* The Fund will evaluate each application on a 100-point scale using numeric scores with respect to the five sections required in the Application. The Fund will score each section as follows:

TABLE 3—APPLICATION SCORING CRITERIA

Application sections	Scoring points
Market Analysis	25
Business Strategy	25
Community Development Performance & Effective Use	20
Management	20
Financial Health & Viability	10

C. *Review and Selection Process:*

1. *Eligibility and Completeness Review:* The Fund will review each application to determine whether it is complete and the Applicant meets the eligibility requirements set forth above. An incomplete application does not meet eligibility requirements and will be rejected. Any application that does not meet eligibility requirements will not be returned to the Applicant.

2. *Substantive Review:* If an application is determined to be complete and the Applicant is determined to be eligible, the Fund will conduct the substantive review of the application in accordance with the criteria and procedures described in the Regulations, this NOFA, and the application and guidance. As part of the review process, the Fund may contact the Applicant by telephone, e-mail, mail, or through an on-site visit for the sole purpose of obtaining clarifying or confirming application information (such as statements of work, matching funds documentation, EINs, or DUNS numbers, for example). After submitting its application, the Applicant will not be permitted to revise or modify its application in any way nor attempt to negotiate the terms of an award. If contacted for clarifying or confirming information, the Applicant must

respond within the time parameters set by the Fund.

3. *Application Scoring; Ranking:*

(a) *Application Scoring:* The Fund will evaluate each application on a 100-point scale, comprising the five criteria categories described above, and assign numeric scores. An Applicant must receive a minimum score in each evaluation criteria in order to be considered for an award.

(b) *Evaluating Prior Award Performance:* In the case of an Applicant that has previously received funding from the Fund through any Fund program, the Fund will consider and will deduct points for: (i) The Applicant's noncompliance with any active award or award that terminated in Calendar Year 2009 in meeting its performance goals and measures, reporting deadlines, and other requirements set forth in the assistance or award agreement(s) with the Fund during the Applicant's two complete fiscal years prior to the application deadline of this NOFA; (ii) the Applicant's failure to make timely loan payments to the Fund during the Applicant's two complete fiscal years prior to the application deadline of this NOFA (if applicable); (iii) performance on any prior Assistance Agreement as part of the overall assessment of the Applicant's ability to carry out its Comprehensive Business Plan; and (iv) funds deobligated from a FY 2006, FY 2007, or FY 2008 FA award (if the Applicant is applying for a FA award under this NOFA) if (A) the amount of deobligated funds is at least $200,000 and (B) the deobligation occurred subsequent to the expiration of the period of award funds availability (generally, any funds deobligated after the September 30th following the year in which the award was made). Any award deobligations that result in a point deduction under an application submitted pursuant to either funding round of this NOFA will not be counted against any future application for FA through the NACA Program. Furthermore, in the case of an Applicant that has previously received funding through any Fund program, the Fund will consider and may, in its discretion, deduct points for those Applicants that have in any proceeding instituted against the Applicant in, by, or before any court, governmental, or administrative body or agency received a final determination within the last three (3) years indicating that the Applicant has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex.

(c) *Ranking:* The Fund then will rank the applications by their scores, from highest to lowest.

4. *Award Selection:* The Fund will make its final award selections based on the rank order of Applicants by their scores and the amount of funds available. In addition, the Fund shall consider the institutional and geographic diversity of Applicants when making its funding decisions.

5. *Insured Native CDFIs:* In the case of Insured Depository Institutions and Insured Credit Unions, the Fund will take into consideration the views of the Appropriate Federal Banking Agencies; in the case of State-Insured Credit Unions, the Fund may consult with the appropriate State banking agencies (or comparable entity). The Fund will not approve a FA award to any Insured Credit Union (other than a State-Insured Credit Union) or Insured Depository Institution Applicant for which its Appropriate Federal Banking Agency indicates it has safety and soundness concerns, unless the Appropriate Federal Banking Agency asserts, in writing, that (i) improvement in status is imminent and such improvement is expected to occur not later than September 30, 2009 or within such other time frame deemed acceptable by the Fund, or (ii) the safety and soundness condition of the Applicant is adequate to undertake the activities for which the Applicant has requested a FA award and the obligations of an Assistance Agreement related to such a FA award.

6. *Award Notification:* Each Applicant will be informed of the Fund's award decision either through a Notice of Award if selected for an award (see Notice of Award section, below) or written declination if not selected for an award. Each Applicant that is not selected for an award based on reasons other than completeness or eligibility issues will be provided a written debriefing on the strengths and weaknesses of its application. This feedback will be provided in a format and within a timeframe to be determined by the Fund, based on available resources. The Fund will notify Awardees by e-mail using the addresses maintained in the Awardee's myCDFIFund account (postal mailings will be used only in rare cases).

7. The Fund reserves the right to reject an application if information (including administrative errors) comes to the attention of the Fund that either adversely affects an applicant's eligibility for an award, or adversely affects the Fund's evaluation or scoring of an application, or indicates fraud or mismanagement on the part of an Applicant. If the Fund determines that any portion of the application is incorrect in any material respect, the Fund reserves the right, in its sole discretion, to reject the application. The Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the Fund deems it appropriate; if said changes materially affect the Fund's award decisions, the Fund will provide information regarding the changes through the Fund's Web site. There is no right to appeal the Fund's award decisions. The Fund's award decisions are final.

VI. Award Administration Information

A. *Notice of Award:* The Fund will signify its conditional selection of an Applicant as an Awardee by delivering a signed Notice of Award to the Applicant through its myCDFIFund account. The Notice of Award will contain the general terms and conditions underlying the Fund's provision of assistance including, but not limited to, the requirement that the Awardee and the Fund enter into an Assistance Agreement. The Applicant must execute the Notice of Award and return it to the Fund. By executing a Notice of Award, the Awardee agrees, among other things, that, if prior to entering into an Assistance Agreement with the Fund, information (including administrative error) comes to the attention of the Fund that either adversely affects the Awardee's eligibility for an award, adversely affects the Fund's evaluation of the Awardee's application, or indicates fraud or mismanagement on the part of the Awardee, the Fund may, in its discretion and without advance notice to the Awardee, terminate the Notice of Award or take such other actions as it deems appropriate. Moreover, by executing a Notice of Award, the Awardee agrees that, if prior to entering into an Assistance Agreement with the Fund, the Fund determines that the Awardee or an Affiliate of the Awardee, is in default of any Assistance Agreement previously entered into with the Fund, the Fund may, in its discretion and without advance notice to the Awardee, either terminate the Notice of Award or take such other actions as it deems appropriate. The Fund reserves the right, in its sole discretion, to rescind its award if the Awardee fails to return the Notice of Award, signed by the authorized representative of the Awardee, along with any other requested documentation, within the deadline set by the Fund. For purposes of this section, the Fund will consider an Affiliate to mean any entity that meets

the definition of Affiliate in the Regulations or any entity otherwise identified as an Affiliate by the Applicant in its funding Application under this NOFA.

1. *Failure to meet reporting requirements:* If, after considering an application, an Awardee, or an Affiliate of the Awardee is a prior Fund Awardee or allocatee under any Fund program and is not current on the reporting requirements set forth in the previously executed assistance, allocation, or award agreement(s), as of the date of the Notice of Award, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement until said prior Awardee or allocatee is current on the reporting requirements in any previously executed assistance, allocation, or award agreement(s). Please note that the Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received. If said prior Awardee or allocatee is unable to meet this requirement within the timeframe set by the Fund, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

2. *Pending resolution of noncompliance:* If an Applicant is a prior Awardee or allocatee under any Fund program and if: (i) It has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award, or allocation agreement, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, pending full resolution, in the sole determination of the Fund, of the noncompliance. Further, if an Affiliate of the Awardee is a prior Fund Awardee or allocatee and if such entity: (i) Has submitted complete and timely reports to the Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement; and (ii) the Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award, or allocation agreement, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, pending full resolution, in the sole determination of the Fund, of the noncompliance. If the prior Awardee or allocatee in question is unable to satisfactorily resolve the issues of noncompliance, in the sole determination of the Fund, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

3. *Default status:* If, after considering an application and prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Awardee that is a prior Fund Awardee or allocatee under any Fund program is in default of a previously executed assistance, allocation, or award agreement(s), the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, until said prior Awardee or allocatee has submitted a complete and timely report demonstrating full compliance with said agreement within a timeframe set by the Fund. Further, if at any time prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Affiliate of the Awardee is a prior Fund Awardee or allocatee under any Fund program and is in default of a previously executed assistance, allocation, or award agreement(s), the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, until said prior Awardee or allocatee has submitted a complete and timely report demonstrating full compliance with said agreement within a timeframe set by the Fund. If said prior Awardee or allocatee is unable to meet this requirement and the Fund has not specified in writing that the prior Awardee or allocatee is otherwise eligible to receive an Award under this NOFA, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

4. *Termination in default:* If (i) within the 12-month period prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Awardee is a prior Fund Awardee or allocatee under any Fund program whose award or allocation was terminated in default of such prior agreement; and (ii) the final reporting period end date for the applicable terminated agreement falls within the 12-month period prior to the application deadline of this NOFA, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement. Further, if (i) within the 12-month period prior to entering into an Assistance Agreement through this NOFA, the Fund has made a final determination that an Affiliate of the Awardee is a prior Fund Awardee or allocatee under any Fund program whose award or allocation was terminated in default of such prior agreement; and (ii) the final reporting period end date for the applicable terminated agreement falls within the 12-month period prior to the application deadline of this NOFA, the Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement.

5. *Deobligated awards:* An Awardee that receives a FA award pursuant to this NOFA for which an amount over $200,000 is deobligated by the Fund subsequent to the expiration of the period of award funds availability (generally, any funds deobligated after the September 30th following the year in which the award was made) but within the 12 months prior to the application deadline may not apply for a new award through the NOFA for another CDFI Fund program funding round after the date of said deobligation.

6. *Compliance with Federal Anti-Discrimination Laws:* If the Awardee has previously received funding through any Fund program, and if at any time prior to entering into an Assistance Agreement through this NOFA, the Fund is made aware of a final determination, made within the last three (3) years, in any proceeding instituted against the Awardee in, by, or before any court, governmental, or administrative body or agency, declaring that the Awardee has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex, the Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the award made under this NOFA.

B. *Assistance Agreement:* Each Applicant that is selected to receive an award under this NOFA must enter into an Assistance Agreement with the Fund in order to receive disbursement of award proceeds. The Assistance Agreement will set forth certain required terms and conditions of the award, which will include, but not be limited to: (i) The amount of the award; (ii) the type of award; (iii) the approved uses of the award; (iv) the approved eligible market to which the funded activity must be targeted; (v) performance goals and measures; and (vi) reporting requirements for all Awardees. FA-only Assistance Agreements under this NOFA generally will have three-year performance periods.

The Fund reserves the right, in its sole discretion, to terminate the Notice of Award and rescind an award if the Awardee fails to return the Assistance Agreement, signed by the authorized

representative of the Awardee, and/or provide the Fund with any other requested documentation, within the deadlines set by the Fund.

Each FA Awardee must provide the Fund with a certificate of good standing (or equivalent documentation) from its state (or jurisdiction) of incorporation.

C. *Reporting:*

1. *Reporting requirements:* The Fund will collect information, on at least an annual basis, from each Awardee including, but not limited to, an Annual Report that comprises the following components: (i) Financial Reports (including an OMB A–133 audit, as applicable; however, Financial Reports are not required of Sponsoring Entities); (ii) Institution Level Report; (iii) Transaction Level Report (for Awardees receiving FA awards); (iv) Uses of Financial Assistance (for Awardees receiving FA awards); (v) Explanation of Noncompliance (as applicable); and (vi) such other information as the Fund may require. Each Awardee is responsible for the timely and complete submission of the Annual Report, even if all or a portion of the documents actually is completed by another entity or signatory to the Assistance Agreement. If such other entities or signatories are required to provide Institution Level Reports, Transaction Level Reports, Financial Reports, or other documentation that the Fund may require, the Awardee is responsible for ensuring that the information is submitted timely and complete. The Fund reserves the right to contact such additional entities or signatories to the Assistance Agreement and require that additional information and documentation be provided. The Fund will use such information to monitor each Awardee's compliance with the requirements set forth in the Assistance Agreement and to assess the impact of the NACA Program. The Institution Level Report and the Transaction Level Report must be submitted through the Fund's Web-based data collection system, the Community Investment Impact System (CIIS). The Financial Report may be submitted through CIIS. All other components of the Annual Report may be submitted electronically, as directed, by the Fund. The Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Awardees.

2. *Accounting:* The Fund will require each Awardee that receives a FA award through this NOFA to account for and track the use of said FA award. This means that for every dollar of a FA award received from the Fund, the Awardee will be required to inform the Fund of its uses. This will require Awardees to establish separate administrative and accounting controls, subject to the applicable OMB Circulars. The Fund will provide guidance to Awardees outlining the format and content of the information to be provided on an annual basis, outlining and describing how the funds were used. Each Awardee that receives an award must provide the Fund with the required complete and accurate Automated Clearinghouse (ACH) form for its bank account prior to award closing and disbursement.

VII. Agency Contacts

A. The Fund will respond to questions and provide support concerning this NOFA and the funding application between the hours of 9 a.m. and 5 p.m. ET, starting the date of the publication of this NOFA through May 25, 2009. The Fund will not respond to questions or provide support concerning the application that are received after 5 p.m. ET on said dates, until after the respective funding application deadline. Applications and other information regarding the Fund and its programs may be obtained from the Fund's Web site at *http://www.cdfifund.gov.* The Fund will post on its Web site responses to questions of general applicability regarding the NACA Program.

B. The Fund's contact information is as follows:

TABLE 4—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	E-mail addresses
Fax number for all offices: 202–622–7754		
Information Technology/Technical Support	202–622–2455	*ithelpdesk@cdfi.treas.gov.*
CDFI Program/NI	202–622–6355	*cdfihelp@cdfi.treas.gov.*
CDFI Certification	202–622–6355	*cdfihelp@cdfi.treas.gov.*
Grants Management	202–622–8226	*grantsmanagement@cdfi.treas.gov.*
Compliance, Monitoring and Evaluation	202–622–6330	*cme@cdfi.treas.gov.*

C. *Information Technology Support:* People who have visual or mobility impairments that prevent them from creating a Target Market map using the Fund's Web site should call (202) 622–2455 for assistance (this is not a toll free number).

D. *Legal Counsel Support:* If you have any questions or matters that you believe require response by the Fund's Office of Legal Counsel, please refer to the document titled ''How to Request a Legal Review,'' found on the Fund's Web site at *http://www.cdfifund.gov.* Further, if you wish to review the Assistance Agreement form document from a prior funding round, you may find it posted on the Fund's Web site (please note that there may be revisions to the Assistance Agreement that will be used for Awardees under this NOFA and thus the sample document on the Fund's Web site is provided for illustrative purposes only and should not be relied on for purposes of this NOFA).

E. *Communication with the CDFI Fund:* The Fund will use the myCDFIFund Internet interface to correspond with Applicants and Awardees, using the contact information maintained in their respective myCDFIFund accounts. Therefore, the Applicant and any Subsidiaries, signatories, and Affiliates must maintain accurate contact information (including contact person and authorized representative, e-mail addresses, fax numbers, phone numbers, and office addresses) in its myCDFIFund account(s). For more information about myCDFIFund (which includes information about the Fund's Community Investment Impact System), please see the Help documents posted at *http://www.cdfifund.gov/ciis/accessingciis.pdf.*

VIII. Information Sessions and Outreach

The Fund may conduct Webcasts or host information sessions for organizations that are considering applying to, or are interested in learning

about, the Fund's programs. For further information, please visit the Fund's Web site at *http://www.cdfifund.gov.*

Authority: 12 U.S.C. 4703, 4704, 4706, 4707, 4717; 12 CFR part 1805.

Dated: April 17, 2009.

Donna J. Gambrell,

Director, Community Development Financial Institutions Fund.

[FR Doc. E9–9540 Filed 4–27–09; 8:45 am]

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Federal Register

Tuesday,
April 28, 2009

Part II

Environmental Protection Agency

40 CFR Part 60

New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2007–1018; FRL–8896–7]

RIN 2060–AO41

New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing amendments to the Standards of Performance for Nonmetallic Mineral Processing Plant(s) (NMPP). These final amendments include revisions to the emission limits for NMPP affected facilities which commence construction, modification, or reconstruction on or after April 22, 2008. These final amendments for NMPP also include: Additional testing and monitoring requirements for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008; exemption of affected facilities that process wet material from this final rule; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications. We are not taking any final action in this document regarding the amendment to the Standards of Performance for Calciners and Dryers in Mineral Industries discussed in the proposed rule.

DATES: This final rule is effective on April 28, 2009.

ADDRESSES: EPA has established a docket for this action which is Docket ID No. EPA–HQ–OAR–2007–1018. All documents in the docket are listed in the *http://www.regulations.gov* index. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Standards of Performance for Nonmetallic Mineral Processing Plants Docket, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Neuffer; Office of Air Quality Planning and Standards; Sector Policies and Programs Division, Metals and Minerals Group (D243–02); Environmental Protection Agency; Research Triangle Park, NC 27711; telephone number: (919) 541–5435; fax number: (919) 541–3207; e-mail address: *neuffer.bill@epa.gov.*

SUPPLEMENTARY INFORMATION: The supplementary information presented in this preamble is organized as follows:

I. General Information
A. Does this action apply to me?
B. Where can I get a copy of this document?
C. Judicial Review
II. Background Information on Subpart OOO
III. Summary of the Final Amendments to Subpart OOO and Changes Since Proposal
A. What are the final emission limits for NMPP (40 CFR part 60, subpart OOO)?
B. How is EPA amending subpart OOO applicability and definitions?
C. What are the final testing requirements for subpart OOO?
D. What are the final monitoring requirements for subpart OOO?
E. What are the final notification, reporting, and recordkeeping requirements for subpart OOO?
IV. Summary of Significant Comments and Responses on Subpart OOO
A. Need for New Source Performance Standards
B. Emission Limits
C. Applicability and Definitions
D. Testing Requirements
E. Monitoring Requirements
F. Notification, Reporting and Recordkeeping Requirements
G. Construction, Modification, and Reconstruction
H. Cost Impacts
V. Summary of Cost, Environmental, Energy, and Economic Impacts of the Final Amendments to Subpart OOO
A. What are the impacts for NMPP?
B. What are the secondary impacts?
C. What are the economic impacts?
VI. No Final Action Taken With Respect To Subpart UUU Applicability
VII. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer Advancement Act
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act

I. General Information

A. Does this action apply to me?

Categories and entities potentially regulated by the final amendments to New Source Performance Standards (NSPS) for NMPP (40 CFR part 60, subpart OOO) include:

Category	NAICS code [1]	Examples of regulated entities
Industry	212311	Dimension Stone Mining and Quarrying.
	212312	Crushed and Broken Limestone Mining and Quarrying.
	212313	Crushed and Broken Granite Mining and Quarrying.
	212319	Other Crushed and Broken Stone Mining and Quarrying.
	212321	Construction Sand and Gravel Mining.
	212322	Industrial Sand Mining.
	212324	Kaolin and Ball Clay Mining.
	212325	Clay and Ceramic and Refractory Minerals Mining.
	212391	Potash, Soda, and Borate Mineral Mining.
	212393	Other Chemical and Fertilizer Mineral Mining.
	212399	All Other Nonmetallic Mineral Mining.
	221112	Fossil-Fuel Electric Power Generation.
	324121	Asphalt Paving Mixture and Block Manufacturing.
	327121	Brick and Structural Clay Tile Manufacturing.
	327122	Ceramic Wall and Floor Tile Manufacturing.
	327123	Other Structural Clay Product Manufacturing.
	327124	Clay Refractory Manufacturing.

Category	NAICS code [1]	Examples of regulated entities
	327310	Cement Manufacturing.
	327410	Lime Manufacturing (Dolomite, Dead-burned, Manufacturing).
	327420	Gypsum Product Manufacturing.
	327992	Ground or Treated Mineral and Earth Manufacturing.
Federal government	.....	Not affected.
State/local/tribal government	.....	Not affected.

[1] North American Industrial Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this final action. To determine whether your facility will be regulated by this final action, you should examine the applicability criteria in 40 CFR 60.670 (subpart OOO). If you have any questions regarding the applicability of this final action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document?

In addition to being available in the docket, an electronic copy of this final action is available on the Worldwide Web (WWW) through the Technology Transfer Network (TTN). Following signature, a copy of this final action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

C. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of this final rule is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by June 29, 2009. Under section 307(b)(2) of the CAA, the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by EPA to enforce these requirements.

Section 307(d)(7)(B) of the CAA further provides that ''[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for us to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

II. Background Information on Subpart OOO

NSPS implement CAA section 111(b) and are issued for categories of sources which cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The primary purpose of the NSPS is to attain and maintain ambient air quality by ensuring that the best demonstrated emission control technologies are installed as the industrial infrastructure is modernized. Since 1970, the NSPS have been successful in achieving long-term emissions reductions in numerous industries by assuring cost-effective controls are installed on new, reconstructed, or modified sources.

Section 111 of the CAA requires that NSPS reflect the application of the best system of emission reductions which (taking into consideration the cost of achieving such emission reductions, any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. This level of control is commonly referred to as best demonstrated technology (BDT). Standards of performance for NMPP (40 CFR, subpart OOO) were promulgated in the **Federal Register** on August 1, 1985 (50 FR 31328).

Section 111(b)(1)(B) of the CAA requires EPA to periodically review and revise the standards of performance, as necessary, to reflect improvements in methods for reducing emissions. The first action taken with respect to the NMPP NSPS was completed on June 9, 1997 (62 FR 31351).

We proposed the current review of the NMPP NSPS on April 22, 2008 (73 FR 21559). We received a total of 26 comments from NMPP, industry trade associations, and State environmental agencies during the comment period. This final rule reflects our consideration of all the comments we received. Detailed responses to the comments not included in this preamble are contained in the Summary of Public Comments and Responses document which is included in the docket for this rulemaking.

III. Summary of the Final Amendments to Subpart OOO and Changes Since Proposal

The NMPP NSPS applies to affected facilities for which construction, modification, or reconstruction commenced on or after August 31, 1983, at plants that process any of the following 18 nonmetallic minerals: Crushed and broken stone, sand and gravel, clay, rock salt, gypsum (natural or synthetic), sodium compounds, pumice, gilsonite, talc and pyrophyllite, boron, barite, fluorospar, feldspar, diatomite, perlite, vermiculite, mica, and kyanite. The affected facilities are each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station.

The final amendments to the NMPP NSPS (subpart OOO of 40 CFR part 60) are summarized in Table 1 of this preamble.

TABLE 1—SUMMARY OF THE FINAL AMENDMENTS TO SUBPART OOO

Citation	Change
§ 60.670(a)(2)	Exempt wet material processing operations; clarify rule does not apply to plants with no crushers or grinding mills.
§ 60.670(d)(1)	Amend to clarify that like-for-like replacements have no emissions increase.
§ 60.670(f)	Revise to conform with amended Table 1 to subpart OOO.
§ 60.671	Add definitions of: Crush or crushing, saturated material, seasonal shut down, and wet material processing operations.
	Amend definition of screening operation to exempt static grizzlies.
	Amend definition of nonmetallic mineral to include gypsum (natural or synthetic).
	Amend definition of storage bin to correct typographical error by changing ''or'' to ''of''.
	Amend definitions of ''capture system'' and ''control device'' to replace the words ''process operations'' with ''affected facilities''.
§ 60.672(a) and (b)	Revise to reference Tables 2 and 3 to subpart OOO and to better match General Provisions language regarding compliance dates. Tables 2 and 3 to subpart OOO contain revised emission limits and testing/monitoring requirements.
§ 60.672(c)	Reserve because superseded by Table 3 to subpart OOO.
§ 60.672(e)	Revise cross-references. Replace Method 22 (40 CFR part 60, Appendix A–7) no visible emissions limit for building openings with 7 percent fugitive opacity limit.
§ 60.672(f) and (g)	Consolidate paragraphs to refer to Table 2 to subpart OOO.
§§ 60.672(h) and 60.675(h)	Remove 60.672(h) and reserve 60.675(h) because wet material processing exempted.
§ 60.674	Renumber (a) and (b) as (a)(1) and (2).
	Add periodic inspections for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, that use wet suppression or rely on water carryover from upstream wet suppression water sprays. Add monitoring requirements for baghouses on affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008 (Method 22 visible emission inspections or use of bag leak detection systems).
	Add paragraph (e) to cite as an alternative the baghouse monitoring requirements in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) for processed stone handling operations subject to the NESHAP.
§ 60.675 and various other sections referencing test methods.	Add text to clarify that the required EPA test methods are located in Appendices A–1 through A–7 of 40 CFR part 60 (formerly Appendix A of 60 CFR part 60).
§ 60.675(b)(1)	Cross reference exceptions to Method 5 (40 CFR part 60, Appendix A–3) or Method 17 (40 CFR part 60, Appendix A–6).
§ 60.675(c)	Correct cross reference to amended paragraph in (c)(1).
	Expand (c)(2) into subparagraphs (i) and (ii) to reduce the duration of Method 9 (40 CFR part 60, Appendix A–4) stack opacity observations for storage bins or enclosed truck or railcar loading stations operating for less than 1 hour at a time.
	Revise (c)(3) and delete (c)(4) to make the fugitive Method 9 testing duration 30 minutes and specify averaging time for all affected facilities.
§ 60.675(d)	Specify performance testing requirements for the building fugitive emission limit. Allow prior Method 22 tests showing compliance with the former no visible emissions (VE) limit.
§ 60.675(e)	Add paragraph (e)(2) to allow Method 9 readings to be conducted on three emission points at one time if specified criteria are met.
	Add paragraph (e)(3) to allow Method 5I (40 CFR part 60, Appendix A–3) as an option for determining PM concentration from affected facilities that operate for less than 1 hour at a time.
	Add paragraph (e)(4) to address flow measurement from building vents with low exhaust gas velocity.
§ 60.675(f)	Correct cross references.
§ 60.675(g)	Revise to reduce 30-day advance notification time for Method 9 fugitive performance test to 7 days. Clarify that a wet material processing operation that begins to process unsaturated material becomes subject to the opacity limit at the time processing of unsaturated material begins.
§ 60.675(i)	Add section to state that initial performance test dates that fall during seasonal shut downs may be postponed no later than 60 days after resuming operation (with permitting authority approval).
§ 60.676(b)	Add requirement to previously reserved paragraph (b) for recording periodic inspections of water sprays and baghouse monitoring for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008.
	Add recordkeeping requirements for each affected facility demonstrating compliance with the Lime Manufacturing NESHAP baghouse monitoring requirements.
§ 60.676(d)	Remove reference to upper limits on scrubber pressure and liquid flow rate.
§ 60.676(f) and (g)	Edit to conform to wet material processing exemption and/or relevant opacity limits.
§ 60.676(h)	Delete reference to now reserved 60.7(a)(2). Waive requirement to submit 60.7(a)(1) notification of the date construction or reconstruction commenced.
§ 60.676(k)	Add section to state that notifications and reports need only be sent to the delegated authority (or the EPA Region when there is no delegated authority).
Table 1 to subpart OOO	Move to end of subpart OOO, shorten to include only exceptions to the General Provisions, and update comments.
Table 2 to subpart OOO	Add table to specify the stack PM limits and testing/monitoring requirements for affected facilities based on applicability dates.
Table 3 to subpart OOO	Add table to specify the fugitive opacity limits and testing/monitoring requirements for affected facilities based on applicability dates.

A. What are the final emission limits for NMPP (40 CFR part 60, subpart OOO)?

For affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, the final emission limits are being promulgated as proposed. This final rule requires a particulate matter (PM) emission limit of 0.032 grams per dry standard cubic meter (g/dscm) (0.014 grains per dry standard cubic foot (gr/dscf)), for affected facilities with capture systems [1] (*i.e.*, affected facilities with stack emissions) and eliminates the stack opacity limit for dry control devices. Baghouses that control emissions from only an individual, enclosed storage bin are exempt from the PM limit but must meet a final stack opacity limit of 7 percent. A fugitive emission limit of 7 percent opacity is required for all types of affected facilities with fugitive emissions, except for crushers without capture systems which have a fugitive emission limit of 12 percent opacity. Fugitive emissions [2] can be present when emissions are not captured (*e.g.*, at affected facilities without capture systems) or when the capture system is not completely effective in capturing and transporting emissions to a control device (such as a baghouse or wet scrubber).

The emission limits for affected facilities that commenced construction, modification, or reconstruction before April 22, 2008, remain unchanged. As in the original NSPS, affected facilities with capture systems must meet a stack PM emissions limit of 0.05 g/dscm (0.022 gr/dscf) and affected facilities with fugitive emissions must meet opacity limits of 15 percent (for crushers without capture systems) and 10 percent for all other types of affected facilities with fugitive emissions.

An alternative set of emission limits is available for affected facilities enclosed in buildings. These building emission limits are being promulgated as proposed. Plants must either comply with the emission limits stated above for each affected facility located in the building, or alternatively, comply with the emission limits for the building enclosing the affected facility. The building emission limits are as follows:

- Fugitive emissions from the building openings (except for vents) must not exceed 7 percent opacity; and
- Vents (as defined in § 60.671) in the building must meet the applicable stack emission limits. A building vent PM limit of 0.014 gr/dscf is required if the vent discharges emissions from an affected facility that commenced construction, modification, or reconstruction on or after April 22, 2008. A building vent PM limit of 0.022 gr/dscf and an opacity limit of 7 percent is required if the vent discharges emissions from an affected facility that commenced construction, modification, or reconstruction before April 22, 2008.

B. How is EPA amending subpart OOO applicability and definitions?

Synthetic gypsum. Consistent with the proposal preamble clarification that synthetic gypsum is covered by subpart OOO, we are amending the definition of ''nonmetallic mineral'' to include ''gypsum (natural or synthetic)'' in place of ''gypsum.''

Wet material processing. As proposed, we are adding two definitions and making other amendments to exempt from subpart OOO wet material processing operations that have no potential for PM emissions. Wet material processing operations include: (a) Wet screening operations and subsequent screening operations, bucket elevators and belt conveyors in the production line that process saturated materials up to the first crusher, grinding mill or storage bin in the production line; or (b) screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations that process saturated materials up to the first crusher, grinding mill or storage bin in the production line. We also are adding a definition of ''saturated material'' to describe the type of material intended to be exempted from this final rule. Through the definitions of ''wet material processing operation'' and ''saturated material'' (as well as other existing definitions of ''wet mining operation'' and ''wet screening operation''), we are exempting from coverage under subpart OOO mineral material that is wet enough on its surface to remove the possibility of PM emissions being generated from processing of the material through screening operations, bucket elevators and belt conveyors. Material that is wetted solely by wet suppression systems designed to add surface moisture for dust control is not considered to be ''saturated material'' for purposes of this exemption. Examples of saturated material include slurries of water and mineral material, material that is wet as it enters the processing plant from the mine, material that is wet from washing, material with a high percentage moisture (considering mineral type), etc.

Grizzlies. As proposed, we are amending the definition of ''screening operation'' to clarify that all grizzlies associated with truck dumping and static (non-agitating) grizzlies are not subpart OOO affected facilities.

Crushers. We are adding the proposed definition of ''crush or crushing'' which means to reduce the size of nonmetallic mineral material by means of physical impaction of the crusher or grinding mill upon the material. The new definition clarifies that crushers and grinding mills do not include equipment that simply breaks up clumps of material (*e.g.*, certain deagglomerators, slicers or shredders processing material that has become stuck together naturally or during handling/processing) but does not further reduce the size of the material.

C. What are the final testing requirements for subpart OOO?

Subpart OOO requires NMPP to conduct an initial performance test to demonstrate compliance with the relevant stack or fugitive emission limits.

Stack testing. Stack PM emissions are to be measured with EPA Method 5 (40 CFR part 60, Appendix A–3) or Method 17 (40 CFR part 60, Appendix A–6). As proposed, we are adding EPA Method 5I (40 CFR part 60, Appendix A–3)—''Determination of Low Level Particulate Matter Emissions from Stationary Sources'' in § 60.675(e)(3) as an optional test method that can be used instead of Methods 5 or 17. Method 5I is useful for low PM concentration applications, where the total PM catch is 50 milligrams or less. With Method 5I, the sample rate and total gas volume is adjusted based on the estimated grain loading of the emission point and the total sampling time is a function of the estimated mass of PM to be collected for the run. Thus, Method 5I can be used in situations where the minimum sampling volume of 60 dscf (required for Methods 5 and 17) cannot be obtained (*e.g.*, for affected facilities that operate for less than 1 hour at a time such as, but not limited to, storage bins and loading stations).

Stack opacity must be measured with EPA Method 9 (40 CFR part 60, Appendix A–4) for affected facilities with a stack opacity limit. As proposed, we are reducing the Method 9 stack opacity test duration from 3 hours to the duration that the affected facility operates (but not less than 30 minutes) for baghouses that control storage bins or enclosed truck or railcar loading

[1] ''Capture system'' is defined in subpart OOO as ''the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more affected facilities to a control device.''

[2] Fugitive emission'' is defined in subpart OOO as ''particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.''

stations that operate for less than 1 hour at a time.

Fugitive testing. The opacity from affected facilities with fugitive emissions must be measured with EPA Method 9 (though the duration of Method 9 readings is reduced in some cases as discussed below). As proposed, this final rule requires a 30-minute fugitive Method 9 test duration (five 6-minute averages) for all affected facilities with fugitive emissions. Compliance with the applicable fugitive emissions limit must be based on the average of the five 6-minute averages recorded during the 30 minutes. A single visible emission observer is allowed to conduct observations for up to three subpart OOO emission points at a time (including stack and vent emission points) provided that the three criteria in § 60.675(e)(2) are met. The third criterion was changed from proposal to state that none of the three readings taken during each 15 second period can equal or exceed the applicable standard. If this occurs, the observer must stop taking readings for all three points and focus on the one that equaled or exceeded the applicable standard.

The proposed rule would have required repeat Method 9 performance testing (30-minute test) once every 5 years for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, with fugitive emissions that are controlled by water carryover or other means (*e.g.*, enclosures). This 5-year repeat testing requirement is being promulgated as proposed, except that affected facility fugitive emissions controlled by water carryover from upstream water sprays that are inspected according to the requirements in § 60.674(b) and § 60.676(b) of subpart OOO are exempt from the 5-year repeat testing requirement.

Buildings. Subpart OOO contains an optional compliance method that allows emissions measurement from the building instead of each affected facility within a building. As proposed, we are replacing the former no VE limit and procedure for measuring fugitive emissions from building openings (a 75 minute Method 22 test) with a 7 percent opacity limit measured using a 30-minute EPA Method 9 test. Compliance with the 7 percent opacity limit will be demonstrated through initial testing. Buildings that previously demonstrated compliance with the former Method 22 no VE limit through performance testing are not required to be retested to show compliance with today's Method 9 opacity limit unless an affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, is located inside the building.

Seasonal shut downs. As proposed, we are adding § 60.675(i) to subpart OOO to allow plants, with approval from the appropriate permitting authority, to postpone initial performance testing until 60 calendar days after resuming operation following a seasonal shut down of an affected facility. A ''seasonal shut down'' is defined as the ''shut down of an affected facility for a period of at least 45 consecutive days due to weather or seasonal market conditions''.

D. What are the final monitoring requirements for subpart OOO?

Monitoring for fugitive emissions limits. Fugitive emissions from subpart OOO affected facilities are often controlled by wet suppression. In wet suppression systems, water (with or without surfactant) is sprayed on nonmetallic minerals at various locations in the process line but not necessarily at every affected facility. Carryover of water sprayed at affected facilities upstream in the process line is often sufficient to control fugitive emissions from affected facilities downstream in the process. Partial enclosures or other means may also be used to reduce fugitive emissions instead of or in addition to water sprays or water carryover. Subpart OOO does not specify any particular technique for reducing fugitive emissions. Rather, subpart OOO specifies fugitive emission limits that must be met. Continuous compliance requirements for wet suppression systems are addressed in subpart OOO due to the prevalence of wet suppression as a control technique for NMPP.

As proposed, monthly periodic inspections of wet suppression water sprays are required for affected facilities with wet suppression that commence construction, modification, or reconstruction on or after April 22, 2008. The periodic inspections (which are specified in § 60.674(b) and § 60.676(b)) apply for affected facilities with fugitive emissions that are controlled by either: (a) Direct water sprays located at the affected facility, or (b) water carryover from upstream water sprays (for affected facilities exempted from the 5-year repeat performance test under § 60.674(b)(1)). The purpose of the inspections is to ensure that water is flowing to the discharge water spray nozzles in the wet suppression system. If, during an inspection, water is not flowing properly, corrective action must be initiated within 24 hours and completed as expediently as practical. The requirement to complete corrective action as expediently as practical was added in response to public comment. We added § 60.674(b)(1) to this final rule to specify the testing exemption and to require NMPP to designate (at the time of the initial performance test) which upstream water spray(s) will be periodically inspected for water flow to indicate continuous compliance with the fugitive emission limits for each affected facility being exempted from the 5-year repeat performance testing.

Baghouse monitoring. As proposed, the 7 percent stack opacity limit is being replaced with ongoing monitoring for baghouses on affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. This final rule contains three options for monitoring of baghouses on affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. The first two options are being promulgated as proposed. The third option is being added to the final standards (as a result of public comments) for affected facilities subject to the Lime Manufacturing National Emission Standards for Hazardous Air Pollutants (NESHAP).

The first option is quarterly VE inspections using EPA Method 22 for 30 minutes. The VE inspections would be successful if no visible emissions are observed. If any VE are observed, corrective action must be initiated within 24 hours to restore the baghouse to normal operation. If the baghouse normally displays some VE, a different baghouse-specific success level for the VE inspections (other than no VE) can be established by conducting a PM test simultaneously with a Method 22 test to determine what constitutes normal VE from the baghouse when it is in compliance with the subpart OOO PM concentration limit. The revised VE inspection success level must be incorporated into the operating permit.

The second option is the use of a bag leak detection system. The bag leak detection system must be installed and operated according to § 60.674(d).

For affected facilities subject to the Lime Manufacturing NESHAP, we are offering a third option. This option is complying with the continuous compliance requirements for baghouses on processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA).

Wet scrubber monitoring. As proposed, we are revising § 60.676(d) to delete reference to scrubber pressure gain and the upper limit for scrubber liquid flow. Increases in these parameters would only increase

scrubber PM removal efficiency and thus reduce PM emissions. We are not making any further changes to the wet scrubber monitoring requirements at this time because the Agency proposed Performance Specification 17 (PS–17) and Procedure 4 for continuous parameter monitoring systems (which include pressure and liquid flow measurements) on October 9, 2008 (73 FR 59956). Following public comment and promulgation of PS–17 and Procedure 4, the procedures and requirements in PS–17 and Procedure 4 are intended to supersede the wet scrubber monitoring language in subpart OOO for affected facilities with wet scrubbers installed on or after October 9, 2008.

E. What are the final notification, reporting, and recordkeeping requirements for subpart OOO?

Notifications and reports. We are simplifying the notification requirements in subpart OOO in several ways as proposed. We are deleting reference to § 60.7(a)(2) in § 60.676(h) to be consistent with changes made to subpart A. We are also adding new rule language for § 60.676(h) to waive the § 60.7(a)(1) (subpart A) requirement to submit a notification of commencement of construction/reconstruction for NMPP affected facilities. We are adding a new § 60.676(k) to subpart OOO stating that notifications generated under subpart OOO are only to be sent to either the State (if the State is delegated authority to administer NSPS) or to the EPA Region (if the State has not been delegated authority), but not to both the State and EPA Region. We are changing § 60.675(g) to allow a 7-day advance notification for performance tests involving only Method 9.

What are the final recordkeeping requirements for subpart OOO? As proposed, we are requiring NMPP to keep records of periodic inspections performed on water sprays (monthly checks that water is flowing) or baghouses (quarterly Method 22 readings) controlling affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. Each periodic inspection must be recorded in a logbook which may be maintained in written or electronic format. The logbook entries include inspection dates and any corrective actions taken. The logbook must be kept onsite and either a hard copy or electronic copy (whichever is requested) made available to EPA or delegated authority upon request.

Plants opting to use bag leak detection systems in lieu of periodic VE inspections for baghouses will be required to keep the records specified in § 60.676(b)(2). Plants opting to follow the continuous compliance requirements of Subpart AAAAA of Part 63 must keep the records specified in § 63.7132(a)(3) and (b) of 40 CFR part 63, subpart AAAAA. According to § 60.7(f), records are required to be retained for a period of 2 years.

IV. Summary of Significant Comments and Responses on Subpart OOO

We received a total of 26 comments from NMPP, industry trade associations, and State environmental agencies during the public comment period for the proposed amendments to subpart OOO. Several changes are being made to these final amendments in response to these public comments. The major comments leading to rule changes and our responses are summarized in the following sections. Along with comments offering suggested changes, we received a number of comments offering support for the amendments to subpart OOO. We received only supportive comments for many of the proposed amendments including: omitting the stack opacity limit for new affected facilities (except for baghouses controlling individual enclosed storage bins), exempting static grizzlies, eliminating upper limits on wet scrubber liquid flow and pressure drop, allowing the use of Method 5I as a PM test method, reducing the Method 9 stack testing time for storage bins and loadouts that operate less than one hour at a time, and specifying that compliance is based on the average of the five 6-minute averages recorded during the 30 minute Method 9 tests for affected facilities with fugitive emissions. These supporting comments are not included in this preamble. A complete summary of all the comments received during the comment period and responses thereto can be found in the docket for the final amendments and new standards (Docket ID EPA–HQ–OAR–2007–1018). The docket also contains further details on the analyses summarized in the responses below.

A. Need for New Source Performance Standards

Comment: In addition to other comments requesting exemption of the salt industry from subpart OOO (which are addressed in the Summary of Public Comments and Responses document), one commenter requested that EPA exempt salt operations (rock salt and sodium chloride) from subpart OOO because most salt operations do not operate crushers or grinders above ground. The commenter stated that subpart OOO was intended to cover open pit mining and noted that the applicability prerequisite of the rule is that a facility must have a crusher or grinder. The commenter stated that underground mines are exempt from the rule (assuming there are no secondary or tertiary crushers above ground) yet also have crushers/grinders located underground and can have screening and process equipment above ground that produce emissions. The commenter explained that salt is produced at three types of facilities (solution mines, solar production, and traditional underground mines). Some of the commenter's plants are subject to subpart OOO because they operate small above ground crushers (which are located indoors) for one production line at solution and solar operations. The commenter stated that many salt operations are enclosed in buildings and operate with dust collectors for product quality reasons and to reduce dust inside the building.

Response: The 1997 NSPS action (62 FR 31351, June 9, 1997) added § 60.670(a)(2) to subpart OOO to clarify that the provisions of subpart OOO do not apply to all facilities located in underground mines and plants without crushers or grinding mills. It was noted in the proposal and promulgation notices for the 1997 NSPS action that emissions from crushers or other facilities in underground mines are vented in the general mine exhaust and cannot be distinguished from emissions from drilling and blasting operations which are mining operations not covered by the standards. It was the original intent of the NSPS that stand-alone screening operations at plants without crushers or grinding mills are not subject to the NSPS (*i.e.,* because the original definition of ''nonmetallic mineral processing plant'' refers to equipment used to crush or grind nonmetallic minerals). Consistent with the intent of the original NSPS and the 1997 clarifications, we are amending § 60.670(a)(2) to clarify that plants without crushers or grinding mills above ground are not subject to subpart OOO. Plants with any above ground crushers or grinding mills (including those located in buildings) for which construction, modification, or reconstruction commenced after August 31, 1983, remain subject to the provisions of subpart OOO. Subpart OOO specifically addresses emissions from affected facilities located in buildings and provides options for measurement of these emissions.

B. Emission Limits

Comment: Commenters questioned the basis for revising the emission limits because the technology representing BDT has not changed. The commenters argued that EPA is taking away the margin of compliance available for facilities using the identified NSPS technologies.

Several commenters objected to the proposed stack PM limit of 0.014 gr/dscf and questioned the basis for the revision. Some commenters agreed with the conclusion that setting a PM limit below 0.014 gr/dscf could result in a level of control that may be difficult to continually achieve.

Many commenters questioned the technical reasons for reducing the fugitive emission limits from 15 to 12 percent opacity for crushers and from 10 to 7 percent opacity for other affected facilities. Some commenters questioned if reducing the fugitive emission limits is necessary, given EPA's conclusion that the potential benefits cannot be quantified and are likely to be similar to the current standard. Commenters were particularly concerned with the proposed 7 percent fugitive opacity limit and stated that an opacity standard within the 7.5 percent positive error of Method 9 is basically a ''no VE'' standard. Two commenters referred to Method 9 error as high as 14 percent in the document ''Air Pollution Control Techniques for Non-Metallic Minerals Industry'' (EPA–450/3–82–014, August 1982). Other commenters noted that it would make more sense for the limits to be in increments of 5 percent since this is how opacity is read. The commenters supported basing compliance on the average of the five 6-minute averages collected during the 30-minute opacity test. Two commenters supported the proposed fugitive emission limits.

Response: Section 111 of the CAA requires that NSPS reflect the application of the best system of emission reductions which (taking into consideration the cost of achieving such emission reductions, any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. This level of control is commonly referred to as BDT. Section 111(b)(1)(B) of the CAA requires EPA to periodically review and revise the standards of performance, as necessary, to reflect improvements in methods for reducing emissions. The subpart OOO emission limits were established with the 1983 proposal and 1985 promulgation of subpart OOO, based on review of the performance of technology and emissions data collected in the late 1970s. The emission limits have not been reevaluated based on actual emissions testing in over 20 years because the first action taken with respect to the NMPP NSPS, completed on June 9, 1997 (62 FR 31351), considered provisions other than the emission limits.

For purposes of this (2008–2009) NSPS review, we reviewed more recent actual emissions data from hundreds of emissions tests conducted on a variety of subpart OOO affected facilities in many NMPP industries (EPA–HQ–OAR–2007–1018–0085). These data revealed that the vast majority of affected facilities perform substantially better than the current subpart OOO emission limits. Therefore, we determined that it was appropriate in this NSPS review to reduce the subpart OOO emission limits for affected facilities commencing construction, modification, or reconstruction on or after April 22, 2008. Further, because the majority of existing affected facilities for which we have data meet the revised standards (as discussed below), EPA concludes that all new affected facilities should also be able to achieve them.

For affected facilities commencing construction, modification, or reconstruction on or after April 22, 2008, we are retaining (as proposed) the stack emission limit of 0.014 gr/dscf and we are replacing the associated 7 percent stack opacity limit with a continuous monitoring requirement. For affected facilities commencing construction, modification, or reconstruction on or after April 22, 2008, we are promulgating the proposed fugitive emission limits of 12 percent opacity for crushers without capture systems and 7 percent opacity for all other types of affected facilities with fugitive emissions (including fugitive emissions from grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations, and any other affected facility).

The stack emissions data we reviewed to set the revised limits included over 300 PM stack tests from 1990 and later. Ninety-one percent of the PM stack test results achieved 0.014 gr/dscf or lower. The control devices used for the affected facilities tested included primarily baghouses and wet scrubbers. In addition, we reviewed more than 700 fugitive emissions tests. For crushers without capture systems, 98 percent of the fugitive emissions test averages were at or below 12 percent opacity and 99 percent of the fugitive emissions test averages for other types of affected facilities were at or below 7 percent opacity. The fugitive emission limits are most commonly met through use of wet suppression (as needed), water carryover, or with a partial enclosure. Affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, can employ the same control devices or fugitive emission reduction measures for which test data were reviewed to meet the revised emission limits, except that the small fraction of marginally performing controls would no longer be acceptable for new, modified, or reconstructed affected facilities. The small fraction of existing marginally performing controls can be represented by the fraction of test data above the revised emission limits (*i.e.,* less than 10 percent of data, including data from controls that failed to meet the original NSPS limits but were later retested and met the limits). Such controls will no longer be acceptable for new, modified, or reconstructed affected facilities. This is consistent with the goal of NSPS review to reflect improvements in methods for reducing emissions. In short, because the vast majority of existing affected facilities for which we have data are achieving these revised standards, EPA has concluded that all new affected facilities should be able to achieve these revised standards as well. We have no reason to believe that new affected facilities could not meet the revised standards.

We disagree with assertions that the revised limits erase any margin for error or fail to account for variability. To the contrary, significant percentages of the test data achieved substantially lower limits than are being promulgated for subpart OOO. Thus, a workable compliance margin and provision for variability remains.

The emission reduction associated with lowering the fugitive emission limits is not quantifiable because no reduction in mass emission rate can be determined from opacity measurements. However, that does not mean that there is no environmental benefit. The environmental benefit is that higher emissions from marginally performing controls (as described above) will no longer be acceptable for fugitive emissions from affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008.

Although opacity is read in 5 percent increments, the test average resulting from averaging the opacity observations is not limited to increments of 5 percent opacity. In addition to reducing the fugitive opacity limits, we are also specifying in § 60.675(c)(3) that the

duration of the Method 9 observations must be 30 minutes (five 6-minute averages) and that compliance with the fugitive emission limits must be based on the average of the five 6-minute averages (which is equivalent to the test average). Commenters unanimously supported this averaging procedure.

Regarding the 7.5 percent error mentioned in Method 9 and the 14 percent error reflected in EPA–450/3–82–014, we note that these error values are based on 6-minute average opacity results and represent exceptions rather than norms. Therefore, we disagree that setting an opacity standard below 7.5 percent is equivalent to establishing a ''no visible emission'' standard. We further note that the averaging procedure specified in § 60.675(c)(3) requires averaging of more than 6 minutes of observations which would dampen the effect of any errors.

Comment: One commenter requested clarification on the rule language in § 60.672(f) regarding the limit for a baghouse controlling only an individual enclosed storage bin that commenced construction, modification, or reconstruction on or after April 22, 2008. The commenter, and another commenter, supported retaining the 7 percent opacity limit for such baghouses. Another commenter suggested that additional rows be added to Table 2 to illustrate the various scenarios to replace the footnotes and exceptions.

Response: As proposed, the revisions to subpart OOO specify that a baghouse controlling only an individual enclosed storage bin is exempt from the stack PM concentration limit but must meet a 7 percent opacity limit. The 7 percent opacity limit is being retained for baghouses controlling only an individual enclosed storage bin that commences construction, modification, or reconstruction on or after April 22, 2008, because such baghouses have no applicable PM concentration requirements. We have modified the wording in § 60.672(f) to clarify this intent.

We requested comment in the preamble to the proposed rule on whether the addition of Tables 2 and 3 to subpart OOO helped to improve the readability of the rule and helped to distinguish between the stack and fugitive emission limits. We considered adding rows to the proposed Table 2 to subpart OOO to address the exceptions noted in the table footnotes as suggested by one commenter. However, we found the resulting table to be more cumbersome and difficult to read than the proposed table with footnotes. Given that we only received one comment regarding the tables, we concluded that the proposed tables are acceptable to most stakeholders and have chosen not to overhaul the rows of Table 2 to subpart OOO to prevent confusion. However, we clarified the language in § 60.672(f) cited in footnote ''a'' of Table 2 to subpart OOO and corrected paragraph number references.

Affected facilities using wet dust suppression or other fugitive emission reduction measures (but no control device) are subject to the fugitive emission limits. The stack emission limits apply for affected facilities using capture systems, which by definition in § 60.671, transport PM to a control device. It has come to our attention that further clarification may be needed for circumstances when fugitive emissions escape from a capture system that directs emissions to a control device such as a baghouse or wet scrubber. Therefore, we are modifying the title of the proposed Table 3 to subpart OOO and § 60.672(b) to reflect that fugitive emissions escaping from a capture system prior to reaching the control device are subject to the applicable fugitive emission limits (and associated compliance demonstration requirements) in Table 3 to subpart OOO. The captured emissions routed to the control device would be subject to the applicable stack emission limits (and associated compliance demonstration requirements) in Table 2 to subpart OOO. We are also rewording the proposed column headings in Table 3 to subpart OOO so the table contains language from the original NSPS sections § 60.672(b) and (c) that distinguished between crushers without capture systems (*e.g.,* crushers controlled by wet suppression only) and other affected facilities including crushers with capture systems as defined in § 60.671 that allow fugitive emissions to escape (*e.g.,* capture systems not completely effective in transporting emissions to the control device). These clarifications are consistent with the original structure and intent of subpart OOO as described in the original 1983 proposal notice (see 48 FR 39571–39573 and 39577, August 31, 1983), the 1985 promulgation notice (see 50 FR 31335 and 31339, August 1, 1985), and in the 1983 Background Information Document (EPA–450/3–83–001b).

Comment: Multiple commenters supported the replacement of the Method 22 no VE standard for building openings with a 7 percent fugitive opacity limit at the inlet and outlet points of a building measured using a 30-minute Method 9 test with compliance determined as stated in § 60.675(c)(3). Some commenters argued that the limit should be greater than 7 percent due to the error in Method 9 measurements. The commenters suggested that the fugitive opacity limit be tied to that of the equipment with the highest allowable standard located within the structure since the purpose of the structure is typically for noise control or aesthetics and not emissions control. An additional commenter stated that NSPS sources inside buildings should have the option of either doing a performance test on the equipment using the 30-minute Method 9, or testing the ingress and egress of the building.

Two commenters suggested that building vents be exempt from the stack PM concentration limit and associated performance testing (like baghouses controlling emissions from individual enclosed storage bins). The commenters stated that building vents and individual storage bin baghouses have the same 7 percent opacity limit, and both are likely to have very low velocities. The commenters noted there is the potential for problems with isokinetic conditions, and long testing times to get the required sample volume even with Method 5I. With a 7 percent opacity limit and low velocities, the commenters stated that actual mass emissions from a vent would be very low. The commenters noted that vents are also more likely to be in locations difficult to access without potential safety concerns.

Response: The emission limits specified for buildings are part of an optional compliance method for affected facilities inside of buildings. Rather than measuring the emissions from each affected facility within a building (which is sometimes difficult due to close equipment spacing and lighting), NMPP have the option of measuring emissions from the building. For example, NMPP have the option of conducting a 30-minute Method 9 on fugitive emissions from each of the affected facilities within a building, or conducting a 30-minute Method 9 on the building openings (*i.e.,* ingress and egress).

Emissions can escape buildings in two ways: (1) As fugitive emissions through an unpowered building opening, or (2) as emissions discharged through a powered building vent. ''Vent'' is defined in § 60.671 as, ''*an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.*'' Because there are two ways emissions can escape from buildings, two sets of

emission limits make up the optional building compliance procedure:

(1) A 7 percent opacity limit for fugitive emissions from building openings, and/or

(2) The subpart OOO stack emission limits for building vents (*i.e.,* 0.022 gr/dscf and 7% opacity for affected facilities between August 31, 1983, and April 22, 2008; and 0.014 gr/dscf and ongoing monitoring for affected facilities on or after April 22, 2008).

The 7 percent opacity limit for fugitive emissions from building openings (measured with a 30-minute Method 9 test) is being promulgated as proposed. The 7 percent opacity limit was proposed as a change from the former no VE limit (measured with EPA Method 22) for building openings. We disagree that the building fugitive opacity limit should be higher than 7 percent due to Method 9 measurement error, because, as stated previously, the measurement errors referenced by commenters were atypical. We also disagree that the building fugitive limit should be tied to that of the affected facility with the highest allowable limit. The 7 percent opacity limit corresponds to the lower of the two fugitive emission limits for affected facilities that may be housed in a building. The 7 percent fugitive opacity limit also corresponds to the 7 percent stack opacity limit required for building vents for affected facilities that commenced construction, modification, or reconstruction between August 31, 1983, and April 22, 2008.

We disagree with the commenters that building vents should be exempted from the stack PM concentration limit and associated initial performance testing. Building vents are treated differently from baghouses controlling individual enclosed storage bins for several reasons. First, testing of building vents is an optional method for demonstrating compliance. Facilities may either measure emissions from each affected facility within a building, or opt to measure emissions from the building. Second, the revisions to subpart OOO contain rule language in § 60.675(e)(4) specifically to address low flow rate conditions from building vents. No comments were received on the proposed language and § 60.675(e)(4) is being promulgated as proposed. Third, Method 5I is an optional test method added to subpart OOO to address low flows. Use of Method 5I is not limited to the subpart OOO affected facility examples stated in § 60.675(e)(3). Method 5I may be used for building vents if it is helpful. Given the number of options available for determining flow rate and testing PM, the stack PM limit has been retained for building vents.

C. Applicability and Definitions

Comment: Several commenters supported exemption of wet material processing operations from subpart OOO and the proposed definition of ''saturated material.'' However, one commenter noted that it may be difficult to determine what is saturated. The commenter suggested that EPA specify in the definition of ''saturated material'' that water is visibly dripping from the processed material or that wet material be restricted to subterranean, sub-aqueous (excavated) materials.

Response: We are promulgating the exemption for wet material processing operations as proposed. The intent of the definition of ''saturated material'' is to define mineral material with sufficient surface moisture (excluding material wetted by wet suppression systems) such that PM emissions are not generated from processing of the material through screening operations, bucket elevators and belt conveyors. We disagree that water must be visibly dripping from nonmetallic minerals in order for there to be sufficient surface moisture to eliminate the potential for PM emissions from the handling of the material. Therefore, we have not incorporated the commenters suggested addition to the definition (nor have we restricted wet material to subterranean, sub-aqueous excavated materials).

D. Testing Requirements

Comment: Numerous commenters stated that repeat fugitive emissions testing every 5 years for affected facilities without direct water sprays is unnecessary. The commenters noted that carryover moisture has been demonstrated to control fugitive emissions as acknowledged in AP–42 Chapter 11.9.2 for Crushed Stone Processing.

The commenters stated that the number of sources controlled by water carryover or with partial enclosure that would be required to conduct repeat tests every 5 years would be enormous, posing a burden for industry and delegated regulatory agencies with minimal environmental return. The commenters stated that there is no need to conduct repeat tests if the affected facilities that rely on water carryover have initial performance tests showing compliance with the emission standard and monthly inspections showing that the controls installed at the time of initial testing continue to function as designed. Delegated agencies have the authority to request a Method 9 test at any time to verify compliance if there is a concern. Some commenters noted that, in addition to the initial compliance test, companies do various inspections to verify compliance and are also routinely inspected by State and local regulatory agencies. One commenter noted that sources are observed for a short time and often enough to assure compliance with State regulations (without having to go through a time consuming testing process).

Similarly, several commenters argued that a repeat performance test should not be required for affected facilities located inside buildings and controlled by either wet suppression or dry collection devices. In addition, multiple commenters stated that repeat testing is unnecessary for affected facilities inside buildings that do not have direct water sprays. The commenters noted that if initial performance testing conducted on these affected facilities shows compliance with the emission limit using the existing controls, and the proposed monthly inspections show that the controls are functioning, then a repeat Method 9 test is not necessary.

Response: Continuous compliance requirements are included in this final rule for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, as part of an ongoing effort to improve compliance with various Federal air emission regulations.[3] As proposed, affected facilities (that commence construction, modification, or reconstruction on or after April 22, 2008) with fugitive emissions controlled by wet suppression water sprays are required to conduct the initial Method 9 opacity test and to conduct monthly inspections of the direct water sprays according to § 60.674(b) and § 60.676(b). Repeat Method 9 testing is not required (and was not proposed) for affected facilities with direct water sprays because the monthly inspection requirements were determined to be adequate for NMPP to demonstrate continuous compliance with the fugitive emission limits.

We agree that water carryover can be an adequate control measure for fugitive emissions for a number of affected facilities when sufficient moisture is delivered by upstream water sprays. Therefore, we are eliminating from this final rule the proposed 5-year repeat Method 9 test for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, and have fugitive emissions

[3] Inadequate monitoring concerns were raised by EPA in an Advance Notice of Proposed Rulemaking (ANPR) published on February 16, 2005 (70 FR 7905).

controlled by water carryover from upstream water sprays if the upstream water sprays are inspected according to the requirements in § 60.674(b) and § 60.676(b) of subpart OOO. In many cases, the upstream water spray(s) responsible for controlling fugitive emissions from a subpart OOO affected facility (that commences construction, modification, or reconstruction without water sprays on or after April 22, 2008) will already be subject to the subpart OOO water spray inspection requirements in § 60.674(b) and § 60.676(b). However, there may be cases where the upstream water spray(s) responsible for controlling fugitive emissions from a subpart OOO affected facility (without water sprays) are not subject to the subpart OOO water spray inspection requirements (*e.g.,* because the upstream affected facility with water sprays predates the April 22, 2008, applicability date for monitoring). Such upstream water spray(s) may also be monitored according to § 60.674(b) and § 60.676(b) by NMPP wishing to exempt selected affected facilities from the 5-year repeat testing requirements. We leave to the discretion of the NMPP and their permitting authority to determine which upstream water sprays (and whether one or more of the upstream water sprays) require monitoring. We have included § 60.674(b)(1) in this final rule to specify the 5-year repeat testing exemption and to require NMPP to designate (at the time of the initial performance test) which upstream water spray(s) will be periodically inspected for water flow to indicate continuous compliance with the fugitive emission limits for each affected facility being exempted from 5-year repeat performance testing. It is necessary to specify which water sprays will be monitored initially so it will be clear (for enforcement purposes) which affected facilities controlled by carryover will rely on monitoring of upstream water sprays versus a 5-year repeat Method 9 test.

This final rule retains the proposed 5-year repeat Method 9 testing requirement for affected facilities with fugitive emissions that are not controlled by direct water sprays or by carryover from upstream water sprays. We acknowledge that some State permits contain continuous compliance measures and some State and local agencies may routinely perform inspections. However, some NMPP permits are devoid of continuous compliance measures and the frequency of State and local inspections can vary considerably for NMPP. It is appropriate for the NMPP NSPS to include uniform continuous compliance measures for all NMPP. We considered the costs and burden associated with various frequencies of Method 9 testing and determined that the costs of the 5-year repeat Method 9 (30-minute test) are reasonable. Our cost analysis is documented in a memorandum available in Docket EPA–HQ–OAR–2007–1018.

We have eliminated the proposed repeat 5-year testing requirement for affected facilities enclosed in buildings. Buildings function as a means of reducing fugitive emissions in addition to any control measures that are applied to the affected facilities within the building. The final monitoring requirements for affected facilities located inside of buildings are the same as for affected facilities that are not enclosed by a building (*e.g.,* monthly inspections to verify water sprays are operating or quarterly Method 22 inspections for dry collection devices). These monitoring requirements apply for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008.

Comment: Multiple commenters noted that EPA is proposing to allow Method 9 testing of up to three emission points at one time as long as three conditions are met. Most commenters agreed with the first two conditions but recommended that the third condition be eliminated if EPA promulgates a 7 percent fugitive opacity limit for selected equipment. As proposed, the third condition specified that if an opacity reading for any one of the three points is within 5 percent opacity from the applicable standard, then the observer must stop taking readings for the other two points and continue reading just that single point. Most commenters felt that the revised 7 percent opacity limit would prevent reading of more than one point at a time since opacity is read in 5 percent increments and a single reading of 5 percent would prevent multiple point testing. One commenter requested that the second requirement that all points be within 70 degrees of each other be changed to 90 degrees.

Response: We disagree that the three conditions for allowing Method 9 readings of up to three emission points at one time should be eliminated. This provision and the three conditions were made available for 40 CFR part 60, subparts LL and OOO in 1999 and are well established alternative testing procedures. Therefore, the first two conditions (§§ 60.675(e)(2)(i) and (ii)) are being promulgated as proposed.

However, we do agree with commenters that the third condition limits the applicability of this provision for affected facilities subject to the revised 7 percent fugitive emission limit. To remedy this situation, we are changing the wording in § 60.675(e)(2)(iii). This revision will require the observer to focus on a single emission point where a single opacity reading suggests the point may be close to or exceeds the applicable standard, but does not unduly preclude an observer from observing three points at a time, which is more cost effective. We believe that this revision strikes the appropriate balance between accurately determining compliance and allowing facilities to conduct cost-effective observations.

Comment: Multiple commenters supported EPA's proposal to postpone initial performance testing until no later than 60 calendar days after resuming operation of the affected facility following a seasonal shutdown. A few commenters noted that severe winter weather and inventory control issues in certain parts of the country may require NMPP to cease operations for several months, and in their experience, these seasonal shut downs interfered with meeting the subpart OOO performance testing deadlines. Most commenters supported the proposed definition of ''seasonal shut down.''

One commenter stated that the requirement to obtain prior approval for a seasonal shut down testing delay from the permitting authority may be virtually unworkable in practice. Additionally, the commenter suggested that a delay in performance testing should be allowed for reasons beyond just ''seasonal market conditions'' as denoted in the definition of ''seasonal shut down.'' The commenter stated that a shut down may occur for weather-related reasons not directly related to seasonal market conditions and also for cyclical reasons. According to the commenter, there could also be scenarios of equipment failure or weather-related shut down that are unforeseen and push the facility past the compliance demonstration date, without the sufficient notice to schedule around the shut down that EPA postulates. The commenter requested that EPA broaden section § 60.675(i) to allow deferral of a compliance test if the deadline for the initial compliance test falls at a time when the facility is shut down for a period of at least 30 days (regardless of the reason for the shut down), if the permitting authority is notified of the shut down and the deferral of compliance testing.

Response: It is not possible or necessary for subpart OOO to allow for deferral of performance testing for every situation that could affect testing. Some situations need to be addressed on a case-by-case basis. Our intent with the proposed definition of ''seasonal shut down'' and associated regulatory language in § 60.675(i) was to account for a common situation that occurs frequently in the nonmetallic mineral processing industries. Section 60.675(i) allows initial performance testing to be postponed up to 60 days after resuming operation following a seasonal shut down. We are revising the proposed definition of ''seasonal shut down'' to clarify our intent that shut downs eligible for the § 60.675(i) provision include weather conditions. We consider shut downs occurring for cyclical reasons or current economic conditions to be seasonal market conditions eligible for the § 60.675(i) provision as long as these conditions last 45 consecutive days as specified in the definition of ''seasonal shut down.'' It was not the intent of the § 60.675(i) provision or the definition of ''seasonal shut down'' to include equipment failures. We believe testing delays due to equipment failures (which could include failure of processing or control equipment) should be addressed on a case-by-case basis. We believe equipment failures should be treated on a case-by-case basis because the reasons for a given equipment failure will vary from facility to facility and from instance to instance. Further, the handling of a given equipment failure will vary depending on such factors as how often the facility has experienced a failure and what the facility has done to avoid equipment failure.

We maintain that prior approval of the permitting authority is necessary for extension of the performance testing deadline. However, we are not restricting the timing or form (*e.g.,* written, verbal, e-mail) of such approval with a formal notification procedure.

E. Monitoring Requirements

Comment: One commenter suggested that the proposed requirement of monthly inspections to ensure that water is flowing to the spray nozzles be amended to clarify that such inspections are not required for equipment using wet suppression on a seasonal basis. Another commenter generally supported the monthly inspection requirements for wet suppression systems, but requested that EPA address freezing hazards requiring wet suppression systems to be turned off during winter months. The commenter noted that water sprays are often used on transfer points during dry months but are turned off during wet months when precipitation is adequate to suppress fugitive dust.

The commenter suggested that language be included in § 60.674(b) stating that you must initiate corrective action within 24 hours if you find that water is not flowing properly during an inspection of the water nozzles unless either (1) the temperature in the affected facility is such that water spraying would create a danger to personnel or equipment, or (2) the affected facility is not enclosed and measurable precipitation has occurred at the facility each day since the prior inspection. The commenter further suggested that in the event of a low-temperature condition preventing operation of the spray system or continuous precipitation eliminating the need for the spray system, the owner/operator should record that fact in the logbook in lieu of corrective action.

Response: We recognize that some NMPP may use wet suppression on a seasonal or as needed basis (*e.g.,* wet suppression may not be necessary to reduce fugitive emissions following a rain event in some instances). We also acknowledge the hazards that can be associated with wet suppression systems during freezing conditions for those NMPP that operate through winter months. Wet suppression water sprays are a common control measure applied to reduce fugitive emissions from NMPP affected facilities. The intent of the wet suppression water spray nozzle inspections is to indicate continuous compliance with the fugitive emission limits by detecting and correcting operational problems with the water sprays, including inoperable water sprays (regardless of the reasons for not operating). Affected facilities must operate in compliance with the subpart OOO fugitive emission limits at all times (except for periods of startup, shutdown, or malfunction as described in the General Provisions). Therefore, we cannot simply refer to vague conditions of ''temperature'' or ''measurable precipitation'' in subpart OOO, particularly since the duration of these conditions and their effect on dust suppression can be quite variable and site-specific (*e.g.,* a small amount of precipitation on a hot day may evaporate quickly and do nothing to control fugitive emissions).

Subpart OOO does not specify that any particular control technology be used. Rather, subpart OOO specifies emissions limits that must be met by affected facilities with fugitive emissions. NMPP can meet the subpart OOO emission limits using whatever mechanisms they choose (*e.g.,* wet suppression water sprays, measurable precipitation, water carryover, etc.). Regardless of the mechanism for control, the emissions limits must be met continuously.

Plants must identify the control mechanisms they will use to attain compliance with the applicable emission limits as part of the construction and/or operating permitting process. Plants with wet suppression water sprays that intend to cease operation of their water sprays due to rainfall or freezing conditions should specify this in their permit applications and/or permits. It will be at the discretion of the NMPP and permitting authority as to how compliance with the subpart OOO emission limits will be attained when the wet suppression system is not operating (considering the frequency and duration of such events). For example, if an affected facility will be operated for weeks or months at a time without its wet suppression system, then the permitting authority may request a Method 9 test while the wet suppression system is turned off to verify that compliance with the subpart OOO emission limits will be demonstrated. Once these details are worked out with the permitting authority, then logbook entries (made pursuant to §§ 60.674(b) and 60.676(b)) indicating the wet suppression system was not operating will be within the constraints of the facility's permit. However, plants with wet suppression that do not reveal during the permitting process their intent to, at times, cease operation of their wet suppression system (and address how subpart OOO compliance will be attained during such times) would be subject to enforcement scrutiny if their wet suppression inspection logbook reveals periods when the water sprays were not operated. We are adding § 60.674(b)(2) to clarify that the logbook entry must identify any alternative control mechanism (*e.g.,* rainfall) being used at the time of the monthly inspection.

Comment: One commenter agreed that monthly inspection of discharge spray nozzles to check water flow coupled with a requirement to initiate corrective action within 24 hours (with each inspection and corrective action being recorded in a logbook) is reasonable for wet suppression technology. Another commenter requested that EPA set a deadline for completion of repairs so the wet suppression system is working properly (*i.e.,* to finish what was started).

Response: For wet suppression inspections identifying water flow problems, we are expanding the

requirement in § 60.674(b) to initiate corrective action within 24 hours (with each inspection and corrective action being recorded in a logbook) to also require that the corrective action must be completed as expediently as practical.

Comment: One commenter requested that the baghouse monitoring requirements in Table 6 to the lime manufacturing NESHAP (40 CFR part 63, subpart AAAAA) be allowed as an alternative to the proposed subpart OOO baghouse monitoring requirements (*i.e.,* quarterly 30-minute Method 22 VE testing with corrective action within 24 hours or use of a bag leak detection system). The commenter noted that the lime manufacturing NESHAP has more stringent requirements for processed stone handling (PSH) units (*e.g.,* including PSH storage bins, conveying system transfer points, etc.).

The commenter stated that the lime manufacturing NESHAP requires a monthly Method 22 VE check. If VE are observed, within 1 hour of observation, one 6-minute Method 9 test is required. If the opacity limit is exceeded, corrective action is required in accordance with the operation, maintenance and monitoring plan. If no VE are observed for 6 months, Method 22 frequency can be reduced to semi-annually, and can be further reduced to annually if no VE are observed during the semi-annual check (Table 6 to Subpart AAAAA).

The commenter noted that the lime industry has invested substantial resources in developing environmental management systems, including corrective action plans and lime plant operator training, in order to maintain compliance with the lime manufacturing NESHAP.

Response: We agree that the VE observation requirements in the Lime Manufacturing NESHAP (40 CFR Part 63, Subpart AAAAA) for PSH operations are adequate for purposes of demonstrating continuous compliance with subpart OOO because these requirements will ensure proper baghouse operation. We are adding §§ 60.674(e) and 60.676(b)(3) to subpart OOO to refer to the VE observation requirements and associated recordkeeping language in the Lime Manufacturing NESHAP. For affected facilities subject to those requirements, the recordkeeping requirements in the Lime Manufacturing NESHAP replace the subpart OOO requirements to maintain a logbook. Only affected facilities subject to the requirements for PSH operations in the Lime Manufacturing NESHAP are allowed to use the Lime Manufacturing NESHAP alternative to the subpart OOO baghouse VE inspections.

Comment: One commenter questioned the appropriateness of Method 22 VE inspections of baghouse-controlled sources and requested that the duration of the Method 22 observations be reduced from 30 to 15 minutes since the emission point can be viewed from one location. Another commenter thought the 30 minute duration for a Method 22 test was excessive, but supported use of Method 22 testing for monitoring baghouse emissions. Although a third commenter believes the proposed Method 22 and bag leak detector (BLD) monitoring provisions could trigger corrective action requirements when the 7 percent opacity standard is not exceeded, the commenter stated that the options as proposed (which include the ability to obtain site specific exceptions) are reasonable for baghouse technology. This commenter would not support a requirement that all baghouse-controlled affected facilities employ BLDs.

Response: We believe that a quarterly 30-minute Method 22 (40 CFR part 60, Appendix A–7) is a reasonable and appropriate method for determining the frequency of VE from baghouses. Although the method was developed for measuring the frequency of fugitive emissions, it is not limited to fugitive emissions points. Method 22 has been applied for baghouse-controlled emission points in a number of permits and rules. The use of BLD remains an alternative to the quarterly VE observations in the promulgated standards.

F. Notification, Reporting and Recordkeeping Requirements

Comment: Multiple commenters supported reducing the 30-day advance notice to a 7-day notice prior to performance testing for Method 9 tests. The commenters noted that many States are already relaxing this requirement.

Conversely, another commenter from a state agency requested that EPA retain the 30-day advance notice. The commenter stated that 7 days is not enough time for their regulatory staff to review the plan and determine if (based on site-specific circumstances) the presence of an investigator is required. The commenter noted that weather-related delays are already addressed in § 60.8(d) where staff work under the 7-day rescheduling process.

Response: As proposed, we are promulgating a 7-day advance notice prior to NMPP performance tests involving only Method 9 observations. We made this change because of the large number of NMPP that are required to conduct only Method 9 testing for fugitive emissions from affected facilities, because plans for NMPP Method 9 opacity readings require little review, and because Method 9 tests are affected by weather (visibility) and subject to rescheduling such that a 30-day advanced notification can be impractical for NMPP. We believe that 7 days is a reasonable time frame for NMPP. However, State agencies wishing to require a longer time period for advanced notice of Method 9 performance testing (*e.g.,* 30 days instead of 7 days) have the discretion to do so.

Comment: One commenter noted that the logbook discussed in § 60.676(b)(1) must be made available upon request to the Administrator. The commenter requested that a hard copy be made available even if the logbook is kept electronically.

Response: We have incorporated the commenter's suggestion to specify that hard copies of the logbook be made available to the Administrator upon request. The Administrator (or permitting authority) may request either a hard copy or electronic copy of the logbook for inspection.

G. Construction, Modification, and Reconstruction

Comment: One commenter requested that EPA clarify wording in the preamble and rule regarding applicability of the NSPS revisions. The commenter noted that the date of commencement of construction, modification, or reconstruction is of regulatory importance for NSPS (not the date when construction, modification, or reconstruction is fully completed). The commenter stated that the proposal preamble references to ''future'' affected facilities are confusing and should be replaced with the longer but more rigorous description for sources for which construction has commenced.

Response: We are rewording § 60.674(b), (c), and (d) and § 60.676(b)(1) to replace the word ''installed'' with the terms used in the General Provisions (*e.g.,* for which construction, modification, or reconstruction commenced on or after April 22, 2008). We are also omitting the term ''future'' and using language in the preamble to this final rule to clearly indicate that the date for which construction, modification, or reconstruction was commenced is the applicability date for the NSPS provisions.

Comment: One commenter objected to the proposed amendment to the like-for-like replacement language in § 60.670(d)(1) to add the phrase ''and

there is no increase in the amount of emissions.'' The commenter requested that the version of § 60.670(d)(1) that has been in subpart OOO since 1985 be retained. The commenter stated that since no replacement of equipment would ever trigger the NSPS or new source review modification rules without an increase in the amount of emissions, the effect of the proposed change would be to remove an exemption that had applied to the replacement of equipment of equal or smaller size, regardless of its effect on emissions.

Response: As indicated in the proposal, the addition of the language providing that the like-for-like replacement provision is only available where ''there is no increase in the amount of emissions'' was intended as a clarification rather than a change. That is, the Agency interprets the existing exemption in § 60.670(d)(1) as being limited to such circumstances where there is no increase in emissions. While the commenter alleges that this is a change, they have not identified any instance where the Agency interpreted the existing provision to permit like-for-like replacements where an emissions increase occurs (*i.e.,* that the proposed language constitutes a change rather than a clarification). Accordingly, we disagree that we are narrowing or changing the regulation with the addition of the clarifying language. Moreover, contrary to the commenter's contention, limiting the exemption to like-for-like replacements that do not result in an increase in emissions does not render the like-for-like exemption meaningless. The provision continues to allow like-for-like replacements that do not increase emissions, which we believe to be the vast majority of cases because the replacement units must be of equal or smaller size (*e.g.,* rated capacity).

H. Cost Impacts

Comment: Several commenters argued that there are incremental costs associated with meeting the revised stack limit of 0.014 gr/dscf and requested that EPA analyze these costs. The commenters stated that companies operate their equipment at a lower emission rate than the applicable standard to have a compliance margin. Commenters stated that the revised stack limit of 0.014 gr/dscf would require a higher-efficiency baghouse design and bags, resulting in incremental capital costs. One commenter stated that one or more of the following baghouse design improvements may be required: Decreased air-to-cloth ratio, upgraded bag material (*i.e.,* membrane coated bags), additional baghouse chambers, and bag leak detectors. Commenters also stated that increased baghouse maintenance would be required if the tighter grain loading standard is implemented (*e.g.,* more frequent bag replacement) and that the associated incremental costs should be considered.

Response: We disagree with commenters that significant upgrades to baghouses would be required to meet a PM limit of 0.014 gr/dscf. Ninety-one percent of the stack tests we reviewed achieved 0.014 gr/dscf, and many of these tests achieved 0.014 gr/dscf with a substantial compliance margin. A level of 0.010 gr/dscf was achieved in 86 percent of the tests and a level of 0.005 gr/dscf was achieved in 68 percent of tests. Given these test results, we concluded at proposal that control systems that would be installed to meet a limit of 0.014 gr/dscf would be the same as those installed to meet the NSPS limit of 0.022 gr/dscf. Because there would be no change in control technology, we concluded that the incremental costs would be very low or zero.

Although we disagree (based on the available NMPP stack emissions data) that there are any incremental costs associated with reducing the stack PM emission limit from 0.022 to 0.014 gr/dscf, we evaluated the incremental costs suggested by commenters that could potentially be incurred in the event that some facilities choose to upgrade the type of baghouse they use for new affected facilities. Our incremental cost analysis is documented in a memorandum available in Docket EPA–HQ–OAR–2007–1018. We explored four scenarios in our costing analysis similar to the suggestions by commenters (a baseline scenario with a limit of 0.022 gr/dscf and three other scenarios, A through C, each with a limit of 0.014 gr/dscf). As suggested by commenters, the costs of more frequent bag replacement were associated with scenarios A–C. We disagree that bag leak detectors would be required to demonstrate continuous compliance with a limit of 0.014 gr/dscf since the subpart OOO revisions allow for a less expensive method of compliance (*i.e.,* quarterly VE checks), and, therefore, we did not include BLD costs in any of the scenarios explored. Assuming as a worst case that all projected facilities would elect to upgrade the type of baghouse they use, the 5-year nationwide incremental costs ranged from $1.1 to 1.6 million total capital cost and $0.18 to 0.30 million total annualized cost. The worst case incremental cost effectiveness is less than $2,300 per ton of PM removed. We believe these worst case costs are acceptable and reasonable. Therefore, we maintain that a stack limit of 0.014 gr/dscf represents BDT for new, modified, and reconstructed NMPP affected facilities and this limit is being promulgated as proposed.

V. Summary of Cost, Environmental, Energy, and Economic Impacts of Final Amendments to Subpart OOO

A. What are the impacts for NMPP?

We are presenting estimates of the impacts for these final amendments to 40 CFR part 60, subpart OOO that change the performance standards. The cost, environmental, and economic impacts presented in this section are expressed as incremental differences between the impacts of NMPP complying with the subpart OOO revisions and the current NSPS requirements of subpart OOO (*i.e.,* baseline). The impacts are presented for NMPP affected facilities for which construction, modification, or reconstruction is expected to commence over the 5 years following promulgation of the revised NSPS. The analyses and the documents referenced below can be found in Docket ID No. EPA–HQ–OAR–2007–1018.

In order to determine the incremental impacts of this final rule, we first estimated that 332 new NMPP would comply with subpart OOO in the 5 years following promulgation. For further detail on the methodology of these calculations, see Docket ID No. EPA–HQ–OAR–2007–1018.

The revisions to the subpart OOO emission limits for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, do not reflect use of new or different control technologies, but are an adjustment of the limits to better reflect the performance of current (baseline) control technologies. For the most part, there is no difference in the control systems used to meet baseline and those that would be used to meet the revised emission limits for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. Therefore, there would be no difference in control costs, water or solid waste impacts, or actual emission reductions achieved as a result of the revisions to the emission limits. However, as discussed previously, we estimated potential incremental costs of upgrades to baghouse controls (*e.g.,* more frequent bag replacement, membrane coated bags, or use of a multi-compartment baghouse) in the event that some NMPP choose to operate with such upgrades. We

estimate the worst case potential increase in nationwide annualized cost associated with baghouse upgrades to be $300,000 per year. The effect of reducing the emission limits is to ensure that the typical performance of today's control systems is achieved for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. The potential nationwide emission reduction (the nationwide emission reduction associated with lowering the PM limit from 0.022 to 0.014 gr/dscf) could be as much as 120 megagrams per year (Mg/yr) (130 tons per year (tpy)) PM. These potential emission reductions are overestimated because the majority of control systems installed on affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, would likely have resulted in emissions at or below the emission limits even in the absence of these revisions.

There are differences in notification; testing; monitoring, reporting, and recordkeeping (MRR) costs between baseline and the final revisions to subpart OOO. We are making some amendments to subpart OOO that will reduce costs and other amendments that will increase costs for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. We estimate that the increase in nationwide annual cost associated with the MRR revisions, including annualized capital costs associated with performance testing, is about $630,000. The potential emissions reductions associated with the MRR revisions are estimated to be 330 Mg/yr (370 tpy) due to the shortened duration that excess emissions could occur before being corrected under these final testing and monitoring revisions.

The estimated nationwide 5-year incremental emissions reductions and cost impacts for these amendments are summarized in Table 2 of this preamble. The overall cost-effectiveness is about $1,900 per ton of PM potentially removed. We estimate that 6 percent (or 28 Mg/yr (25 tpy)) of the potential reduction in PM shown in Table 2 is PM less than 2.5 microns in diameter ($PM_{2.5}$).

TABLE 2—NATIONAL INCREMENTAL EMISSION REDUCTIONS AND COST IMPACTS FOR NMPP SUBJECT TO FINAL STANDARDS UNDER 40 CFR PART 60, SUBPART OOO (FIFTH YEAR AFTER PROMULGATION)

Final revisions for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008	Total capital cost [$1,000]	Total annual cost [$1,000/yr]	Potential annual emission reductions [tons/yr]	Potential cost-effectiveness [$/ton]
Revisions to emission limits	1,400	300	130	2,300
Revisions to MRR requirements	(1,800)	630	370	1,700
Total	(400)	930	500	1,900

(Negative numbers appear in parentheses. There is a negative capital cost because we are reducing the costs of initial testing requirements by (a) allowing a 30-minute Method 9 test instead of a 1-hour test for fugitive emissions; and (b) by omitting the 7 percent stack opacity limit and associated initial testing from subpart OOO. The reduced testing costs offset the potential increase in capital cost due to baghouse upgrades.)

B. What are the secondary impacts?

Indirect or secondary air quality impacts are impacts that result from the increased electricity usage associated with the operation of control devices (*i.e.,* increased secondary emissions of criteria pollutants from power plants). Energy impacts consist of the electricity and steam needed to operate control devices and other equipment that are required under this final rule. These revisions will not result in secondary air impacts or increase in overall energy demand because there is little (if any) incremental difference in the control systems used to comply with these revisions.

C. What are the economic impacts?

We performed an economic impact analysis that estimates changes in prices and output for nonmetallic minerals nationally using the annual compliance costs estimated for this final rule. All estimates are for the fifth year after promulgation since this is the year for which the compliance cost impacts are estimated. The impacts to producers and consumers affected by this final rule are very slightly higher product prices and outputs. Prices for products (processed minerals) from affected plants should increase by less than 0.1 percent for the fifth year. The output of processed minerals should be affected by less than 0.1 percent for the fifth year. Hence, the overall economic impact of this final rule on the affected industries and their consumers should be negligible. For more information, please refer to the economic impact analysis for this final rule that is in the public docket.

VI. No Final Action Taken With Respect to Subpart UUU Applicability

As part of the proposal notice, we requested comment on the applicability of the NSPS for Mineral Calciners and Dryers (40 CFR Part 60, subpart UUU) to sand reclamation processes at metal foundries. We proposed to amend § 60.730(b) of subpart UUU to state that ''processes for thermal reclamation of industrial sand at metal foundries'' are not subject to the provisions of subpart UUU. After further consideration, we are not taking any final action with respect to this proposed amendment to subpart UUU at this time.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is a ''significant regulatory action'' because it may raise novel legal or policy issues. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Order 12866, and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

The information collection requirements in this final rule have been submitted for approval to OMB under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them.

These final amendments to the existing standards of performance for Nonmetallic Mineral Processing Plants add monitoring requirements for affected facilities that commence construction, modification, or

reconstruction on or after April 22, 2008, while eliminating other requirements. We have revised the information collection request (ICR) for the existing rule.

These final amendments to the standards of performance for NMPP for affected facilities include a reduction in Method 9 test duration for fugitive emissions, exemption of wet material processing operations, and changes to simplify the notification requirements. Additional revisions to affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, include changes to emission limits, elimination of the stack opacity limit, and addition of periodic monitoring requirements. The monitoring requirements include periodic inspections of water sprays and baghouse VE. We have minimized the burden associated with these monitoring requirements by selecting longer frequencies for the requirements (*e.g.,* repeat tests every 5 years as opposed to annually; monthly inspections of water sprays as opposed to daily, etc.); minimizing duplication of continuous compliance measures; and by not specifying additional reporting requirements for the periodic inspection provisions. These requirements are based on recordkeeping and reporting requirements in the NSPS General Provisions in 40 CFR part 60, subpart A, and on specific requirements in subpart OOO which are mandatory for all operators subject to NSPS. These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to EPA policies set forth in 40 CFR part 2, subpart B.

The annual burden for this information collection averaged over the first 3 years of this ICR is estimated to total 11,330 labor-hours per year at a cost of $1,030,642 per year. The annualized capital costs are estimated at $154,577 per year. There are no estimated annual operation and maintenance costs. We note that information collection costs to industry are also included in the incremental cost impacts presented in section VII of this preamble. Therefore, the burden costs presented in the ICR are not additional costs incurred by sources subject to subpart OOO. Burden is defined at 5 CFR 1320.3(b).

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. OMB control numbers for EPA's regulations are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of these revisions to subpart OOO on small entities, small entity is defined as: (1) A small business whose parent company has no more than 500 employees, depending on the size definition for the affected NAICS code (as defined by Small Business Administration (SBA) size standards found at *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf*); (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impact of these revisions to subpart OOO on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. We estimate that up to 96 percent (318) of the 332 entities of the projected new NMPP could potentially be classified as small entities according to the SBA small business size standards for industries identified as affected by today's revisions. No small entities are expected to incur an annualized compliance cost of more than 0.10 percent to comply with today's action. For more information, please refer to the economic impact analysis that is in the public docket for this rulemaking.

Although this action would not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this action on small entities by reducing the test duration for fugitive emissions, exempting wet material processing operations, simplifying certain notification requirements, eliminating the stack opacity limit, and selecting relatively low-cost repeat testing and monitoring provisions. In addition, certain plants operating at small capacities were exempted from subpart OOO due to economic considerations when the standards were originally developed. These revisions to subpart OOO do not affect these exempted small plants; that is, they continue to be exempted from the standards.

D. Unfunded Mandates Reform Act

This final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. As discussed earlier in this preamble, the estimated expenditures for the private sector in the fifth year after promulgation are $0.93 million. Thus, this final rule is not subject to the requirements of section 202 and 205 of the UMRA.

This final rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This final action contains no requirements that apply to such governments, imposes no obligations upon them, and will not result in expenditures by them of $100 million or more in any one year or any disproportionate impacts on them.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This 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. None of the affected facilities are owned or operated

by State governments. Thus, Executive Order 13132 does not apply to this final rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This final action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This final rule imposes requirements on owners and operators of specified industrial facilities and not tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This final action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 18355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. We have concluded that this final rule is not likely to have any adverse energy effects because the only energy requirements associated with this action result from monitoring equipment.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This rulemaking involves technical standards. EPA has decided to use EPA Methods 5, 5I, 9, 17, and 22, of 40 CFR 60, Appendix A. The Agency conducted a search to identify potentially applicable VCS. We identified no standards for Methods 9 and 22, and none were brought to our attention in public comments. While the Agency identified five VCS as being potentially applicable to EPA Methods 5, 5I, or 17, we have decided not to use them in this rulemaking. The use of these VCS would be impractical for the purposes of this final rule. See the docket of this final rule for the reasons for these determinations on the standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This final rule will reduce emissions of PM from all new, reconstructed, or modified affected facilities at NMPP, decreasing the amount of such emissions to which all affected populations are exposed.

K. Congressional Review Act

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. EPA will submit a report containing this final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register.** A Major rule cannot take effect until 60 days after it is published in the **Federal Register.** This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final rule will be effective April 28, 2009.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 16, 2009.

Lisa P. Jackson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart OOO—[AMENDED]

■ 2. Revise subpart OOO to read as follows:

Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants

Sec.

60.670 Applicability and designation of affected facility.
60.671 Definitions.
60.672 Standard for particulate matter (PM).
60.673 Reconstruction.
60.674 Monitoring of operations.
60.675 Test methods and procedures.
60.676 Reporting and recordkeeping.

Tables to Subpart OOO of Part 60

Table 1 to Subpart OOO—Exceptions to Applicability of Subpart A to Subpart OOO
Table 2 to Subpart OOO—Stack Emission Limits for Affected Facilities With Capture Systems
Table 3 to Subpart OOO—Fugitive Emission Limits

Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants

§ 60.670 Applicability and designation of affected facility.

(a)(1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart

are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.

(2) The provisions of this subpart do not apply to the following operations: All facilities located in underground mines; plants without crushers or grinding mills above ground; and wet material processing operations (as defined in § 60.671).

(b) An affected facility that is subject to the provisions of subparts F or I of this part or that follows in the plant process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this subpart.

(c) Facilities at the following plants are not subject to the provisions of this subpart:

(1) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in § 60.671, of 23 megagrams per hour (25 tons per hour) or less;

(2) Portable sand and gravel plants and crushed stone plants with capacities, as defined in § 60.671, of 136 megagrams per hour (150 tons per hour) or less; and

(3) Common clay plants and pumice plants with capacities, as defined in § 60.671, of 9 megagrams per hour (10 tons per hour) or less.

(d)(1) When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in § 60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of §§ 60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of this section.

(2) An owner or operator complying with paragraph (d)(1) of this section shall submit the information required in § 60.676(a).

(3) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in paragraph (d)(1) of this section and must comply with the provisions of §§ 60.672, 60.674 and 60.675.

(e) An affected facility under paragraph (a) of this section that commences construction, modification, or reconstruction after August 31, 1983, is subject to the requirements of this part.

(f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that do not apply to owners and operators of affected facilities subject to this subpart or that apply with certain exceptions.

§ 60.671 Definitions.

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

Bagging operation means the mechanical process by which bags are filled with nonmetallic minerals.

Belt conveyor means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

Bucket elevator means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

Building means any frame structure with a roof.

Capacity means the cumulative rated capacity of all initial crushers that are part of the plant.

Capture system means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more affected facilities to a control device.

Control device means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities at a nonmetallic mineral processing plant.

Conveying system means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators and pneumatic systems.

Crush or *Crushing* means to reduce the size of nonmetallic mineral material by means of physical impaction of the crusher or grinding mill upon the material.

Crusher means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

Enclosed truck or railcar loading station means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

Fixed plant means any nonmetallic mineral processing plant at which the processing equipment specified in § 60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

Fugitive emission means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.

Grinding mill means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: Hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

Initial crusher means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

Nonmetallic mineral means any of the following minerals or any mixture of which the majority is any of the following minerals:

(1) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.

(2) Sand and Gravel.

(3) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.

(4) Rock Salt.

(5) Gypsum (natural or synthetic).

(6) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.

(7) Pumice.

(8) Gilsonite.

(9) Talc and Pyrophyllite.

(10) Boron, including Borax, Kernite, and Colemanite.

(11) Barite.

(12) Fluorospar.

(13) Feldspar.

(14) Diatomite.

(15) Perlite.

(16) Vermiculite.

(17) Mica.

(18) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

Nonmetallic mineral processing plant means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in § 60.670 (b) and (c).

Portable plant means any nonmetallic mineral processing plant that is

mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

Production line means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

Saturated material means, for purposes of this subpart, mineral material with sufficient surface moisture such that particulate matter emissions are not generated from processing of the material through screening operations, bucket elevators and belt conveyors. Material that is wetted solely by wet suppression systems is not considered to be ''saturated'' for purposes of this definition.

Screening operation means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens). Grizzly feeders associated with truck dumping and static (non-moving) grizzlies used anywhere in the nonmetallic mineral processing plant are not considered to be screening operations.

Seasonal shut down means shut down of an affected facility for a period of at least 45 consecutive days due to weather or seasonal market conditions.

Size means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

Stack emission means the particulate matter that is released to the atmosphere from a capture system.

Storage bin means a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading.

Transfer point means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

Truck dumping means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: Trucks, front end loaders, skip hoists, and railcars.

Vent means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

Wet material processing operation(s) means any of the following:

(1) Wet screening operations (as defined in this section) and subsequent screening operations, bucket elevators and belt conveyors in the production line that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line; or

(2) Screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations (as defined in this section) that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line.

Wet mining operation means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.

Wet screening operation means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

§ 60.672 Standard for particulate matter (PM).

(a) Affected facilities must meet the stack emission limits and compliance requirements in Table 2 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.8. The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.

(b) Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.

(c) [Reserved]

(d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.

(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a) and (b) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

(1) Fugitive emissions from the building openings (except for vents as defined in § 60.671) must not exceed 7 percent opacity; and

(2) Vents (as defined in § 60.671) in the building must meet the applicable stack emission limits and compliance requirements in Table 2 of this subpart.

(f) Any baghouse that controls emissions from only an individual, enclosed storage bin is exempt from the applicable stack PM concentration limit (and associated performance testing) in Table 2 of this subpart but must meet the applicable stack opacity limit and compliance requirements in Table 2 of this subpart. This exemption from the stack PM concentration limit does not apply for multiple storage bins with combined stack emissions.

§ 60.673 Reconstruction.

(a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the ''fixed capital cost of the new components'' or the ''fixed capital cost that would be required to construct a comparable new facility'' under § 60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

(b) Under § 60.15, the ''fixed capital cost of the new components'' includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 31, 1983.

§ 60.674 Monitoring of operations.

(a) The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:

(1) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±250 pascals ±1 inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(2) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(b) The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under § 60.676(b).

(1) If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5-year repeat testing requirement specified in Table 3 of this subpart provided that the affected facility meets the criteria in paragraphs (b)(1)(i) and (ii) of this section:

(i) The owner or operator of the affected facility conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to paragraph (b) of this section and § 60.676(b), and

(ii) The owner or operator of the affected facility designates which upstream water spray(s) will be periodically inspected at the time of the initial performance test required under § 60.11 of this part and § 60.675 of this subpart.

(2) If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry required under § 60.676(b) must specify the control mechanism being used instead of the water sprays.

(c) Except as specified in paragraph (d) or (e) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions must conduct quarterly 30-minute visible emissions inspections using EPA Method 22 (40 CFR part 60, Appendix A–7). The Method 22 (40 CFR part 60, Appendix A–7) test shall be conducted while the baghouse is operating. The test is successful if no visible emissions are observed. If any visible emissions are observed, the owner or operator of the affected facility must initiate corrective action within 24 hours to return the baghouse to normal operation. The owner or operator must record each Method 22 (40 CFR part 60, Appendix A–7) test, including the date and any corrective actions taken, in the logbook required under § 60.676(b). The owner or operator of the affected facility may establish a different baghouse-specific success level for the visible emissions test (other than no visible emissions) by conducting a PM performance test according to § 60.675(b) simultaneously with a Method 22 (40 CFR part 60, Appendix A–7) to determine what constitutes normal visible emissions from that affected facility's baghouse when it is in compliance with the applicable PM concentration limit in Table 2 of this subpart. The revised visible emissions success level must be incorporated into the permit for the affected facility.

(d) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A–7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions may use a bag leak detection system. The owner or operator must install, operate, and maintain the bag leak detection system according to paragraphs (d)(1) through (3) of this section.

(1) Each bag leak detection system must meet the specifications and requirements in paragraphs (d)(1)(i) through (viii) of this section.

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (0.00044 grains per actual cubic foot) or less.

(ii) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.*, using a strip chart recorder or a data logger).

(iii) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (d)(1)(iv) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(iv) In the initial adjustment of the bag leak detection system, the owner or operator must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

(v) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided in paragraph (d)(1)(vi) of this section.

(vi) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph (d)(2) of this section.

(vii) The owner or operator must install the bag leak detection sensor downstream of the fabric filter.

(viii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(2) The owner or operator of the affected facility must develop and submit to the Administrator or delegated authority for approval of a site-specific monitoring plan for each bag leak detection system. The owner or operator must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in paragraphs (d)(2)(i) through (vi) of this section.

(i) Installation of the bag leak detection system;

(ii) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system, including quality assurance procedures;

(iv) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;

(v) How the bag leak detection system output will be recorded and stored; and

(vi) Corrective action procedures as specified in paragraph (d)(3) of this section. In approving the site-specific monitoring plan, the Administrator or delegated authority may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.

(3) For each bag leak detection system, the owner or operator must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in paragraph (d)(2)(vi) of this section, the owner or operator must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:

(i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

(ii) Sealing off defective bags or filter media;

(iii) Replacing defective bags or filter media or otherwise repairing the control device;

(iv) Sealing off a defective fabric filter compartment;

(v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or

(vi) Shutting down the process producing the PM emissions.

(e) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A–7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility that is subject to the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) may follow the continuous compliance requirements in row 1 items (i) through (iii) of Table 6 to Subpart AAAAA of 40 CFR part 63.

§ 60.675 Test methods and procedures.

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendices A–1 through A–7 of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.

(b) The owner or operator shall determine compliance with the PM standards in § 60.672(a) as follows:

(1) Except as specified in paragraphs (e)(3) and (4) of this section, Method 5 of Appendix A–3 of this part or Method 17 of Appendix A–6 of this part shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5 (40 CFR part 60, Appendix A–3), if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.

(2) Method 9 of Appendix A–4 of this part and the procedures in § 60.11 shall be used to determine opacity.

(c)(1) In determining compliance with the particulate matter standards in § 60.672(b) or § 60.672(e)(1), the owner or operator shall use Method 9 of Appendix A–4 of this part and the procedures in § 60.11, with the following additions:

(i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

(ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (*e.g.,* road dust). The required observer position relative to the sun (Method 9 of Appendix A–4 of this part, Section 2.1) must be followed.

(iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

(2)(i) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under § 60.672(f) of this subpart, using Method 9 (40 CFR part 60, Appendix A–4), the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations shall be 1 hour (ten 6-minute averages).

(ii) The duration of the Method 9 (40 CFR part 60, Appendix A–4) observations may be reduced to the duration the affected facility operates (but not less than 30 minutes) for baghouses that control storage bins or enclosed truck or railcar loading stations that operate for less than 1 hour at a time.

(3) When determining compliance with the fugitive emissions standard for any affected facility described under § 60.672(b) or § 60.672(e)(1) of this subpart, the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits in Table 3 of this subpart must be based on the average of the five 6-minute averages.

(d) To demonstrate compliance with the fugitive emission limits for buildings specified in § 60.672(e)(1), the owner or operator must complete the testing specified in paragraph (d)(1) and (2) of this section. Performance tests must be conducted while all affected facilities inside the building are operating.

(1) If the building encloses any affected facility that commences construction, modification, or reconstruction on or after April 22, 2008, the owner or operator of the affected facility must conduct an initial Method 9 (40 CFR part 60, Appendix A–4) performance test according to this section and § 60.11.

(2) If the building encloses only affected facilities that commenced construction, modification, or reconstruction before April 22, 2008, and the owner or operator has previously conducted an initial Method 22 (40 CFR part 60, Appendix A–7) performance test showing zero visible emissions, then the owner or operator has demonstrated compliance with the opacity limit in § 60.672(e)(1). If the owner or operator has not conducted an initial performance test for the building before April 22, 2008, then the owner or operator must conduct an initial Method 9 (40 CFR part 60, Appendix A–4) performance test according to this section and § 60.11 to show compliance with the opacity limit in § 60.672(e)(1).

(e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be

read, either of the following procedures may be used:

(i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.

(ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.

(2) A single visible emission observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions are met:

(i) No more than three emission points may be read concurrently.

(ii) All three emission points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.

(iii) If an opacity reading for any one of the three emission points equals or exceeds the applicable standard, then the observer must stop taking readings for the other two points and continue reading just that single point.

(3) Method 5I of Appendix A–3 of this part may be used to determine the PM concentration as an alternative to the methods specified in paragraph (b)(1) of this section. Method 5I (40 CFR part 60, Appendix A–3) may be useful for affected facilities that operate for less than 1 hour at a time such as (but not limited to) storage bins or enclosed truck or railcar loading stations.

(4) In some cases, velocities of exhaust gases from building vents may be too low to measure accurately with the type S pitot tube specified in EPA Method 2 of Appendix A–1 of this part [*i.e.,* velocity head <1.3 mm H_2O (0.05 in. H_2O)] and referred to in EPA Method 5 of Appendix A–3 of this part. For these conditions, the owner or operator may determine the average gas flow rate produced by the power fans (*e.g.,* from vendor-supplied fan curves) to the building vent. The owner or operator may calculate the average gas velocity at the building vent measurement site using Equation 1 of this section and use this average velocity in determining and maintaining isokinetic sampling rates.

$$v_e = \frac{Q_f}{A_e} \qquad \text{(Eq. 1)}$$

Where:

V_e = average building vent velocity (feet per minute);

Q_f = average fan flow rate (cubic feet per minute); and

A_e = area of building vent and measurement location (square feet).

(f) To comply with § 60.676(d), the owner or operator shall record the measurements as required in § 60.676(c) using the monitoring devices in § 60.674 (a)(1) and (2) during each particulate matter run and shall determine the averages.

(g) For performance tests involving only Method 9 (40 CFR part 60 Appendix A–4) testing, the owner or operator may reduce the 30-day advance notification of performance test in § 60.7(a)(6) and 60.8(d) to a 7-day advance notification.

(h) [Reserved]

(i) If the initial performance test date for an affected facility falls during a seasonal shut down (as defined in § 60.671 of this subpart) of the affected facility, then with approval from the permitting authority, the owner or operator may postpone the initial performance test until no later than 60 calendar days after resuming operation of the affected facility.

§ 60.676 Reporting and recordkeeping.

(a) Each owner or operator seeking to comply with § 60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

(1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

(i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

(ii) The rated capacity in tons per hour of the replacement equipment.

(2) For a screening operation:

(i) The total surface area of the top screen of the existing screening operation being replaced and

(ii) The total surface area of the top screen of the replacement screening operation.

(3) For a conveyor belt:

(i) The width of the existing belt being replaced and

(ii) The width of the replacement conveyor belt.

(4) For a storage bin:

(i) The rated capacity in megagrams or tons of the existing storage bin being replaced and

(ii) The rated capacity in megagrams or tons of replacement storage bins.

(b)(1) Owners or operators of affected facilities (as defined in §§ 60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under § 60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

(2) For each bag leak detection system installed and operated according to § 60.674(d), the owner or operator must keep the records specified in paragraphs (b)(2)(i) through (iii) of this section.

(i) Records of the bag leak detection system output;

(ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.

(3) The owner or operator of each affected facility demonstrating compliance according to § 60.674(e) by following the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) must maintain records of visible emissions observations required by § 63.7132(a)(3) and (b) of 40 CFR part 63, subpart AAAAA.

(c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

(d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss and liquid flow rate decrease by more than 30 percent from the average determined during the most recent performance test.

(e) The reports required under paragraph (d) of this section shall be postmarked within 30 days following end of the second and fourth calendar quarters.

(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in § 60.672 of this subpart, including reports of opacity observations made using Method 9 (40 CFR part 60, Appendix A–4) to demonstrate compliance with § 60.672(b), (e) and (f).

(g) The owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in § 60.672(b) and the emission test requirements of § 60.11.

(h) The subpart A requirement under § 60.7(a)(1) for notification of the date construction or reconstruction commenced is waived for affected facilities under this subpart.

(i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.

(1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

(2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

(j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.

(k) Notifications and reports required under this subpart and under subpart A of this part to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to § 60.4(b).

TABLE 1 TO SUBPART OOO—EXCEPTIONS TO APPLICABILITY OF SUBPART A TO SUBPART OOO

Subpart A reference	Applies to subpart OOO	Explanation
60.4, Address	Yes	Except in § 60.4(a) and (b) submittals need not be submitted to both the EPA Region and delegated State authority (§ 60.676(k)).
60.7, Notification and recordkeeping	Yes	Except in (a)(1) notification of the date construction or reconstruction commenced (§ 60.676(h)). Also, except in (a)(6) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (§ 60.675(g)).
60.8, Performance tests	Yes	Except in (d) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (§ 60.675(g)).
60.11, Compliance with standards and maintenance requirements.	Yes	Except in (b) under certain conditions (§§ 60.675(c)), Method 9 (40 CFR part 60, Appendix A–4) observation is reduced from 3 hours to 30 minutes for fugitive emissions.
60.18, General control device	No	Flares will not be used to comply with the emission limits.

TABLE 2 TO SUBPART OOO—STACK EMISSION LIMITS FOR AFFECTED FACILITIES WITH CAPTURE SYSTEMS

For * * *	The owner or operator must meet a PM limit of * * *	And the owner or operator must meet an opacity limit of * * *	The owner or operator must demonstrate compliance with these limits by conducting * * *
Affected facilities (as defined in §§ 60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008.	0.05 g/dscm (0.022 gr/dscf) [a]	7 percent for dry control devices [b]	An initial performance test according to § 60.8 of this part and § 60.675 of this subpart; and Monitoring of wet scrubber parameters according to § 60.674(a) and § 60.676(c), (d), and (e).
Affected facilities (as defined in §§ 60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008.	0.032 g/dscm (0.014 gr/dscf) [a]	Not applicable (except for individual enclosed storage bins). 7 percent for dry control devices on individual enclosed storage bins.	An initial performance test according to § 60.8 of this part and § 60.675 of this subpart; and Monitoring of wet scrubber parameters according to § 60.674(a) and § 60.676(c), (d), and (e); and Monitoring of baghouses according to § 60.674(c), (d), or (e) and § 60.676(b).

[a] Exceptions to the PM limit apply for individual enclosed storage bins and other equipment. See § 60.672(d) through (f).
[b] The stack opacity limit and associated opacity testing requirements do not apply for affected facilities using wet scrubbers.

TABLE 3 TO SUBPART OOO—FUGITIVE EMISSION LIMITS

For * * *	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§ 60.670 and 60.671) * * *	The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used * * *	The owner or operator must demonstrate compliance with these limits by conducting * * *
Affected facilities (as defined in §§ 60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008.	10 percent opacity	15 percent opacity	An initial performance test according to § 60.11 of this part and § 60.675 of this subpart.
Affected facilities (as defined in §§ 60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008.	7 percent opacity	12 percent opacity	An initial performance test according to § 60.11 of this part and § 60.675 of this subpart; and Periodic inspections of water sprays according to § 60.674(b) and § 60.676(b); and A repeat performance test according to § 60.11 of this part and § 60.675 of this subpart within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in § 60.674(b) and § 60.676(b) are exempt from this 5-year repeat testing requirement.

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Parts 25 and 32

2009–2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 25 and 32

[FWS–R3–NSR–2009–0007; 32579–1261–0000–4A]

RIN 1018–AW48

2009–2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) proposes to amend the regulations for the Upper Mississippi River National Wildlife and Fish Refuge (refuge) that pertain to existing programs for migratory game bird hunting, upland game hunting, and big game hunting. These changes would take effect with the 2009–2010 season, would implement portions of the Comprehensive Conservation Plan (CCP) for the refuge approved in 2006, and would amend other regulations. We also propose amendments to part 25 reflecting recent OMB approval of new hunting and fishing application forms and activity reports for national wildlife refuges.

DATES: We will accept comments on or before May 28, 2009.

ADDRESSES: You may submit comments 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: RIN 1018-AW48; 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 comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information). For information on this specific refuge's public use programs and the conditions that apply to them or for copies of compatibility determinations for any refuge(s), contact individual the programs at the addresses/phone numbers given in ''Available Information for Specific Districts of the Refuge'' under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Don Hultman, (507) 452–4232; Fax (507) 452–0851.

SUPPLEMENTARY INFORMATION: The Upper Mississippi River National Wildlife and Fish Refuge (refuge) encompasses 240,000 acres in a more-or-less continuous stretch of 261 miles of Mississippi River floodplain in Minnesota, Wisconsin, Iowa, and Illinois. The refuge was established by Congress in 1924 to provide a refuge and breeding ground for migratory birds, fish, other wildlife, and plants. The refuge is perhaps the most important corridor of habitat in the central United States due to its species diversity and abundance and is the most visited refuge in the United States with 3.7 million annual visitors. Approximately 187,000 acres of the refuge is open to all hunting, and approximately 140,000 acres of surface water is open to year-round fishing.

On July 11, 2006, we published a notice of availability of our Final Environmental Impact Statement (EIS) and CCP (71 FR 39125), and we accepted public comments on the Final EIS for 30 days. On August 24, 2006, the Regional Director of the Midwest Region of the Fish and Wildlife Service signed the Record of Decision that documented the selection of Alternative E, the Preferred Alternative presented in the Final EIS. We published a notice of availability of that Record of Decision on November 2, 2006 (71 FR 64553).

In accordance with the Record of Decision, we prepared a CCP based on Alternative E. The CCP was approved on October 24, 2006. The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge Improvement Act of 1997), requires the Secretary of the Interior (Secretary) to manage each refuge in a manner consistent with a completed CCP. The Final EIS and CCP are available at *http://www.fws.gov/midwest/planning/uppermiss/*.

We completed hunting and fishing regulations in 2007 to implement the goals, objectives, and strategies described in the CCP pertaining to hunting and fishing and related uses. We published a proposed rule in the **Federal Register** on June 28, 2007 (72 FR 35380) and a final rule was effective on September 7, 2007 (72 FR 51534).

This proposal would make four changes to existing refuge regulations (see our final rule of September 7, 2007 (72 FR 51534) for more details on closure restrictions). It would modify the refuge's Waterfowl Hunting Closed Areas and/or No Hunting Zones in refuge Pool 4; add a new No Hunting Zone in Pool 5A as scheduled in the CCP; make permanent an interim No Hunting or Trapping Zone on the recently acquired Mathy Tract (75 acres) on Brice Prairie near Pool 7 which would be used as a future office and visitor contact facility; and add an additional regulation on the immediate retrieval of waterfowl taken during hunting that would be applicable refuge-wide.

The proposed retrieval regulation resulted from discussions we had with State law enforcement personnel and was endorsed by 33 of 35 participants at a public waterfowl hunting workshop in February 2007. This regulation is designed to reduce the loss of downed waterfowl by adding a time element (i.e., ''immediately'') to existing State retrieval regulations and to reduce the crippling loss of waterfowl by discouraging hunters from shooting at birds that are beyond effective shotgun range. The proposed change in Pool 5A is the addition of a 24-acre Fountain City Bay No Hunting Zone encompassing a backwater bay adjacent to Merrick State Park, Wisconsin. This new zone, identified in the CCP, is designed to reduce conflicts with park users and will also provide a resting and feeding area for migrating puddle ducks such as mallards and blue-winged teal.

The most significant of the proposed changes above is the modification of the Waterfowl Hunting Closed Areas in Pool 4 of the refuge, a change described and scheduled for the 2009–2010 season in the CCP. This pool currently has 6,884 acres designated as closed areas, and under this proposal the acreage will drop to 3,500 acres designated as closed areas or no hunting zones. The entire Nelson-Trevino closed area will be open to hunting (3,773 acres), and a new closed area will be established that encompasses Big Lake (2,210 acres). The current Peterson Lake closed area of 3,111 acres will be reduced to 1,290 acres and also divided into more recognizable subunits, namely Peterson Lake closed area (572 acres), Rieck's Lake closed area (499 acres), and Buffalo River no hunting zone (219 acres). These proposed changes, although resulting in more acreage open to hunting in Pool 4, are predicted to dramatically improve the effectiveness of Pool 4 in providing waterfowl secure resting and feeding areas based on an analysis completed for the Final EIS and CCP. An effective system of strategically located waterfowl closed areas on the 261-mile-long refuge is critical to waterfowl using the Mississippi Flyway, and allows hunting to remain compatible. The Service will monitor the effectiveness of the modification to Pool 4 and will make future changes if warranted by waterfowl use surveys.

Finally, we propose corrections to some acreage figures for the ''No Entry – Sanctuary,'' ''Area Closed,'' ''Area Closed – No Motors,'' ''No Hunting Zone'' and ''No Hunting or Trapping Zone'' listings in the respective sections of this proposed rule to reflect increased accuracy based on actual signing and mapping in the field and subsequent Geographic Information System or GIS analysis since we published the 2007–08 Hunting and Fishing final rule. These are considered administrative changes since the corrections match the areas shown on maps provided to the public since 2007. We have summarized these administrative changes below:

No Entry – Sanctuary Areas

Pool Slough, Pool 9, Minnesota/Iowa, from 1,112 to 1,126 acres

Spring Lake, Pool 13, Illinois, from 3,686 to 3,697 acres

Areas Closed and Areas Closed – No Motors

Big Lake, Pool 4, Wisconsin, from 2,626 to 2,210 acres

Peterson Lake, Pool 4, Wisconsin, from 672 to 572 acres

Spring Lake, Pool 5, Wisconsin, from 243 to 254 acres

Polander Lake, Pool 5A, Minnesota/Wisconsin, from 1,907 to 1,873 acres

Lake Onalaska, Pool 7, Wisconsin, from 7,369 acres to 7,366 acres

Wisconsin Islands, Pool 8, Minnesota/Wisconsin, from 6,510 to 6,538 acres

Wisconsin River Delta, Pool 10, Wisconsin, from 1,406 to 1,414 acres

12-Mile Island, Pool 11, Iowa, from 1,145 to 1,139 acres

Kehough Slough, Pool 12, Illinois, from 343 to 333 acres

Pleasant Creek, Pool 13, Iowa, from 2,067 to 2,191 acres

Elk River, Pool 13, Iowa, from 1,237 to 1,248 acres

Beaver Island, Pool 14, Iowa, from 717 to 864 acres

No Hunting or No Hunting or Trapping Zones

Upper Halfway Creek Marsh, Pool 7, Wisconsin, from 141 to 143 acres

Goose Island, Pool 8, Wisconsin, from 986 to 984 acres

Goetz Island Trail, Pool 11, Iowa, from 32 to 31 acres

Crooked Slough Backwater, Pool 13, Illinois, from 2,467 to 2,453 acres

Crooked Slough Proper, Pool 13, Illinois, from 192 to 270 acres

The National Wildlife Refuge System Administration Act of 1966 authorizes the Secretary to allow uses of refuge areas, including hunting and/or sport fishing, upon a determination that such uses are compatible with the purposes of the refuge and National Wildlife Refuge System (Refuge System) mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), and consistent with the principles of sound fish and wildlife management and administration. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

The Secretary is required to prepare a CCP for each refuge and shall manage each refuge consistent with the CCP. Each CCP must identify and describe the refuge's purposes; fish, wildlife, and plant populations; cultural resources; areas for administrative or visitor facilities; significant problems affecting resources and actions necessary; and opportunities for compatible wildlife-dependent recreation. Each CCP must also be developed through consultation with the States, other Federal agencies, and the public, and be coordinated with applicable State conservation plans.

Each CCP is guided by the overarching requirement that refuges are to be managed to fulfill their purposes for which established and the mission of the Refuge System. In addition, the National Wildlife Refuge System Improvement Act requires that the Refuge System be administered to provide for the conservation of fish, wildlife, and plants and their habitats; and to ensure their biological integrity, diversity, and environmental health.

We developed the CCP for the refuge in accordance with all requirements and in accordance with the consultation and public involvement provisions of the National Wildlife Refuge System Improvement Act. This includes new compatibility determinations for hunting and fishing, which are referenced and listed in Appendix E of the Final EIS (which includes recreational and commercial fishing, migratory bird and big game hunting, wildlife observation and photography). We based these compatibility determinations on all changes anticipated in the CCP, including the changes included in this proposed rule, and remain valid as approved in 2006. We then developed this proposed rule to complete implementation of the hunting- and fishing-related portions of the CCP. Even after we enact the proposed changes, opportunities for waterfowl hunting on the 240,000-acre refuge will remain abundant with 49,239 acres closed to waterfowl or other hunting compared to a pre-CCP total of 48,099 acres.

Plain Language Mandate

In this proposed rule, we comply with a Presidential mandate to use plain language in regulations. As examples, we use ''you'' to refer to the reader and ''we'' to refer to the Service, the word ''allow'' instead of ''permit'' when we do not require the use of a permit for an activity, and we use active voice whenever possible (i.e., ''We allow hunting of upland game on designated areas'' vs. ''Upland game hunting in designated areas is allowed'').

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1977 [Improvement Act]) (Administration Act) and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and public use of refuges. In addition, the Migratory Bird Treaty Act (16 U.S.C 703–711) grants authority for management of migratory birds and the closing of any areas to migratory bird hunting.

The Migratory Bird Treaty Act (MBTA) designates the protection of migratory birds as a Federal responsibility. The MBTA enables the setting of seasons, and other regulations including the closing of areas, Federal and non-Federal, to the hunting of migratory birds. You can find regulations stemming from the MBTA pertaining to migratory bird hunting in 50 CFR part 20.

This document proposes to codify in the Code of Federal Regulations amended hunting and sport fishing regulations that are applicable to the Upper Mississippi River National Wildlife and Fish Refuge. We are proposing these amended regulations to implement the refuge CCP, better inform the general public of the regulations at the refuge, increase understanding and compliance with these regulations, and make enforcement of these regulations more efficient. In addition to finding these regulations in 50 CFR part 32, visitors will find them reiterated in literature distributed by the refuge and posted on signs at major access points. Visitors will also find the boundaries of closed areas or other restricted-use areas referenced in this document marked by specific signs.

Information Collection Changes

On January 15, 2009, OMB approved the use of nine new hunting and fishing application forms and activity reports for use on national wildlife refuges

(control #1018–0140). We are also proposing to amend 50 CFR 25.23 to reflect the addition of these forms to those already used on national wildlife refuges.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish consumption advisories on the internet at: *http://www.epa.gov/waterscience/fish/*.

Public Comments

You may submit comment and materials on this proposed rule by any one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post your entire comment on *http://www.regulations.gov*. 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. We will also post all hardcopy comments on *http://www.regulations.gov*.

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. During preparation of the refuge CCP, from which the major changes in this proposed rule originate, we used an extensive public information, outreach, and comment process, including 46 public meetings or workshops attended by 4,500 persons and 80 other meetings with State department of natural resources agencies, other agencies, interest groups, elected officials, and other Service and Department of Interior offices. We received and responded to a total of 3,230 written comments in the Final EIS. We also received and responded to 23 written comments received on the 2007 proposed comprehensive hunting and fishing rule as documented in the final rule in the **Federal Register** (72 FR 51534, September 7, 2007). This proposal, and its publication as a proposed rule in the **Federal Register**, will provide an additional opportunity for comment during the 30–day comment period (see **DATES** section).

In addition, we held two public open houses in September 2008 to provide information and gather comments on the changes to the Waterfowl Hunting Closed Areas and No Hunting Zones in Pool 4. The open houses were attended by 60 people, and we contacted over 200 people at landings during the 2008–09 hunting season. We used input from these open houses and follow-up contacts to make several boundary adjustments in the closed area and no hunting zones in this proposed rule.

We also prepared a separate Environmental Assessment (EA) for the proposed No Hunting and Trapping Zone for the refuge's Mathy Tract on Brice Prairie, Wisconsin, near Pool 7. We sent a news release announcing the assessment to local media, distributed the assessment widely, and posted it on the refuge website. We provided the public 30 days to review and comment. We received 14 comments (9 supporting the closure, 4 opposed, and 1 on another topic) and responded to them in the Final EA. In our response to comments, we addressed opportunities for hunting elsewhere on the refuge, the potential conflicts between hunting and use of the tract as an administrative site, and the new opportunities for wildlife observation, photography, interpretation and environmental education. The one other commenter advocated for Henslow's sparrow conservation; we plan to restore native grasslands which should benefit it and other grassland species.

We believe that a 30–day comment period on this proposed rule, through this broader publication following the earlier public involvement, gives the public sufficient time to comment before the upcoming seasons. In addition, in order to continue to provide for previously authorized hunting and fishing opportunities while at the same time providing for adequate resource and visitor protection, we must be timely in providing modifications to hunting and fishing programs on refuges.

If adopted, we will incorporate these proposed regulations into 50 CFR 32.42 (Minnesota). Part 32 contains general provisions and § 32.42 contains refuge-specific regulations for hunting and sport fishing on refuges located or headquartered in Minnesota.

Clarity of This Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be a specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review

The Office of Management and Budget (OMB) has determined that this rule is not significant under Executive Order 12866 (E.O. 12866). OMB bases its determination on the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, use fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601, *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a

threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule does not increase the number of recreation types allowed on the refuge but amends hunting and fishing regulations on the refuge. As a result, opportunities for hunting and fishing recreation on the refuge will remain abundant and increase over time based on analysis done in the Final EIS and CCP for the refuge.

Many small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait and tackle shops, etc.) may benefit from some increased refuge visitation. A large percentage of these retail trade establishments in the majority of affected counties qualify as small businesses (see table below).

We expect that the incremental recreational opportunities will be scattered, and so we do not expect that the rule will have a significant economic effect (benefit) on a substantial number of small entities in any given community or county. We expect recreationists to spend an additional $2 million annually in total in the refuges' local economies. As shown in the table below, this represents 0.02 percent of the total amount of retail expenditures in the 19-county area. For comparison purposes, the county with the smallest retail expenditure total, Buffalo County in Wisconsin, is shown. If the entire retail trade expenditures associated with the hunting and fishing regulations occurred in Buffalo County, this would amount to 3.4 percent increase in annual retail expenditures.

TABLE 1—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION 2009–2010 HUNTING AND FISHING REGULATIONS

Area	Retail trade in 2002	Change due to 2009–2010 hunting and fishing regulations (15-year span of CCP)	Change as percent of total retail trade	Total No. of retail establishments	Establishments with fewer than 10 employees
19 County Area	$9.8 billion	$1,999,216	0.02 %	24,878	17,957
Buffalo County, WI	$58.3 million	$1,999,216	3.4 %	350	290

Small Business Regulatory Enforcement Fairness Act

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Would not have an annual effect on the economy of $100 million or more. By the end of the 15–year CCP lifespan, the additional fishing and hunting opportunities on the refuge would generate an additional $2 million in angler and hunter expenditures with an economic impact estimated at $2.5 million per year (2003 dollars). Consequently, the maximum benefit of this rule for businesses both small and large would not be sufficient to make this a major rule. The impact would be scattered across 19 counties and would most likely not be significant in any local area.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. We do not expect this proposed rule to affect the supply or demand for fishing and hunting opportunities in the United States, and, therefore, it should not affect prices for fishing and hunting equipment and supplies, or the retailers that sell equipment.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule represents only a small proportion of recreational spending of a small number of affected hunters. Therefore, this rule would have virtually no economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of over $72 billion nationwide.

Unfunded Mandates Reform Act

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This regulation would affect only visitors to the refuge and describe what they can do while they are on the refuge.

Federalism (E.O. 13132)

As discussed in the Unfunded Mandates Reform Act section above, this proposed rule would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment under E.O. 13132. In preparing the CCP for the refuge, we worked closely with the four States bordering the refuge, and this proposed rule reflects the CCP.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that the proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. This proposal would clarify established regulations and result in better understanding of the regulations by refuge visitors.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements

of Energy Effects when undertaking certain actions. Because this proposed rule is a modification of an existing hunting and fishing program on the refuge, and we do not expect it to significantly affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on national wildlife refuges with Tribal governments having adjoining or overlapping jurisdiction before we propose changes to the regulations. During scoping and preparation of the Final EIS, we contacted 35 Indian tribes to inform them of the process and seek their comments. Only the Iowa Tribe of Oklahoma provided comment on the Draft EIS, saying they have an historic presence in counties adjacent to the refuge, and they wish to be kept informed of any artifact discoveries as we implement refuge plans. We replied in the Final EIS that we appreciated their interest in the refuge and would keep them informed of any cultural resource issues and discoveries.

Paperwork Reduction Act

This regulation does not contain any information collection requirements other than those already approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) (OMB Control Numbers 1018–0102 and 1018–0140). See 50 CFR 25.23 for information concerning that approval. 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.

Endangered Species Act Section 7 Consultation

During preparation of the Final EIS, we completed a section 7 consultation and determined that the preferred alternative, which included hunting and fishing changes reflected in this proposed rule, is not likely to adversely effect individuals of listed or candidate species or designated critical habitat of such species. The Service's Ecological Services Office concurred with this determination. The listed species on the refuge is the Higgins eye mussel; candidate species are the Eastern massasauga and spectaclecase and sheepnose mussels. A copy of the section 7 evaluation and accompanying biological assessment is available from the refuge at the locations listed in the ''Available Information for Specific Districts of the Refuge'' section of this document.

National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.)

Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA through the preparation of a Final EIS and Record of Decision which include the major hunting changes reflected in this proposed rule. An Environmental Assessment (EA) was prepared for the 75-acre No Hunting and Trapping Zone on Brice Prairie near Pool 7. The NEPA documents are available on or through our website at *http://www.fws.gov/midwest/UpperMississippiRiver/*. Then click on Current Topics on the left, which will bring you to the Mathy Tract EA.

Available Information for Specific Districts of the Refuge

The refuge is divided into four districts for management, administrative, and public service effectiveness and efficiency. These districts correspond to two or more Mississippi River pools created by the series of locks and dams on the river. District offices are located in Winona, Minnesota (Pools 4–6), La Crosse, Wisconsin (Pools 7-8), McGregor, Iowa (Pools 9–11), and Savanna, Illinois (Pools 12–14). If you are interested in specific information pertaining to a specific area encompassed in this proposed rule, you may contact the appropriate district office listed below:

Winona District, U.S. Fish and Wildlife Service, 51 East Fourth Street, Room 203, Winona, MN 55987; Telephone (507) 454–7351.

La Crosse District, U.S. Fish and Wildlife Service, 555 Lester Avenue, Onalaska, WI 54650; Telephone (608) 783–8405.

McGregor District, U.S. Fish and Wildlife Service, P.O. Box 460, McGregor, IA 52157; Telephone (563) 873–3423.

Savanna District, U.S. Fish and Wildlife Service, 7071 Riverview Road, Thomson, IL 61285; Telephone (815) 273–2732.

Primary Author

Don Hultman, Refuge Manager, Upper Mississippi River National Wildlife and Fish Refuge, is the primary author of this rulemaking document.

List of Subjects in:

50 CFR Part 25

Administrative practice and procedure, Concessions, Reporting and recordkeeping requirements, Safety, Wildlife refuges.

50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

For the reasons set forth in the preamble, we propose to amend title 50, Chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 25—[AMENDED]

1. The authority citation for part 25 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i, 3901 *et seq.*; and Pub. L. 102–402, 106 Stat. 11961.

2. Revise §25.23 to read as follows:

§ 25.23 What are the general regulations and information collection requirements?

The Office of Management and Budget has approved the information collection requirements contained in subchapter C, parts 25, 32, and 36 under 44 U.S.C. 3501 *et seq.* and assigned the following control numbers: 1018–0014 for Special Use Permit Applications on National Wildlife Refuges in Alaska; 1018–0102 for Special Use Permit Applications on National Wildlife Refuges Outside Alaska; and 1018–0140 for Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges. We collect information to assist us in administering our programs in accordance with statutory authorities that require that recreational or other uses be compatible with the primary purposes for which the areas were established. Send comments on any aspect of these forms to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222 ARLSQ, Washington, DC 20240.

PART 32—[AMENDED]

3. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

4. Amend §32.42 Minnesota by revising paragraphs A.2., A.3., A.4., and A.6. of Upper Mississippi River National Wildlife and Fish Refuge to read as follows:

§ 32.42 Minnesota.

* * * * *

Upper Mississippi River National Wildlife and Fish Refuge

A. Migratory Game Bird Hunting. * * *

* * * * *

2. In areas posted and shown on maps as ''No Entry – Sanctuary,'' we prohibit migratory bird hunting at all times and all public entry except as specified. These areas are named and located as follows:

i. Pool Slough, Pool 9, Minnesota/Iowa, 1,126 acres.

ii. Bertom Island, Pool 11, Wisconsin, 31 acres.

iii. Guttenberg Ponds, Pool 11, Iowa, 252 acres.

iv. Spring Lake, Pool 13, Illinois, 3,697 acres.

3. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed – No Motors,'' we prohibit migratory bird hunting at all times. We ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''no motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season.

These ''Area(s) Closed'' are named and located as follows:

i. Big Lake, Pool 4, Wisconsin, 2,210 acres.

ii. Weaver Bottoms/Lost Island, Pool 5, Minnesota/Wisconsin, 3,508 acres.

iii. Polander Lake, Pool 5A, Minnesota/Wisconsin, 1,873 acres.

iv. Lake Onalaska, Pool 7, Wisconsin, 7,366 acres (voluntary avoidance on 3,365 acres until mid-November).

v. Wisconsin Islands, Pool 8, Minnesota/Wisconsin, 6,538 acres.

vi. Harpers Slough, Pool 9, Iowa/Wisconsin, 5,209 acres.

vii. Wisconsin River Delta, Pool 10, Wisconsin, 1,414 acres (closed November 1 to end of duck season).

viii. 12-Mile Island, Pool 11, Iowa, 1,139 acres.

ix. Bertom-McCartney, Pool 11, Wisconsin, 2,384 acres (no voluntary avoidance provision).

x. Pleasant Creek, Pool 13, Iowa, 2,191 acres.

xi. Elk River, Pool 13, Iowa, 1,248 acres.

The ''Area(s) Closed – No Motors'' are named and located as follows:

xii. Peterson Lake, Pool 4, Wisconsin 572 acres.

xiii. Rieck's Lake, Pool 4, Wisconsin, 499 acres.

xiv. Spring Lake, Pool 5, Wisconsin, 254 acres.

xv. Sturgeon Slough, Pool 10, Wisconsin, 340 acres.

xvi. 12-Mile Island, Pool 10, Iowa, 540 acres.

xvii. John Deere Marsh, Pool 11, Iowa, 439 acres.

xviii. Kehough Slough, Pool 12, Illinois, 333 acres.

xiv. Beaver Island, Pool 14, Iowa, 864 acres.

4. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit migratory bird hunting at all times. You must unload and encase firearms in these areas. These areas are named and located as follows:

i. Buffalo River, Pool 4, Wisconsin, 219 acres.

ii. Fountain City Bay, Pool 5A, Wisconsin, 24 acres.

iii. Upper Halfway Creek Marsh, Pool 7, Wisconsin, 143 acres.

iv. Mathy Tract (Brice Prairie), Pool 7, Wisconsin, 75 acres.

v. Hunter's Point, Pool 8, Wisconsin, 82 acres.

vi. Goose Island, Pool 8, Wisconsin, 984 acres (also no motors and voluntary avoidance as in condition A3).

vii. Sturgeon Slough, Pool 10, Wisconsin, 66 acres.

viii. Goetz Island Trail, Pool 11, Iowa, 31 acres.

ix. Crooked Slough Backwater, Pool 13, Illinois, 2,453 acres.

x. Crooked Slough Proper, Pool 13, Illinois, 270 acres.

xi. Frog Pond, Pool 13, Illinois, 64 acres.

xii. Ingersoll Learning Center, Pool 13, Illinois, 41 acres.

* * * * *

6. You must immediately make a reasonable attempt to retrieve downed waterfowl unless the bird lies in plain sight of you, is clearly dead, and there is no risk of the bird drifting off due to wind or current. You may retrieve dead or wounded game from areas posted ''Area Closed,'' ''No Hunting Zone,'' and ''No Hunting or Trapping Zone'' provided you do not take a loaded gun into the area and do not attempt to chase birds from the area. You may not use a motor to aid in the retrieval of game in areas posted ''Area Closed – No Motors.'' You may not retrieve birds or other game from areas posted ''No Entry – Sanctuary.''

* * * * *

Dated: April 11, 2009

Will Shafroth,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E9–9491 Filed 4–27–09; 8:45 am]

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Federal Register

Tuesday,
April 28, 2009

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The regulations implementing the Indian Child Welfare Act provide that Indian Tribes may designate an agent other than the Tribal chairman for service of notice proceedings under the Act. This notice includes the current list of designated Tribal agents for service of notice, and includes each designated Tribal agent received by the Secretary of the Interior prior to the date of this publication.

FOR FURTHER INFORMATION CONTACT: Sue V. Settles, Chief, Human Services Division, Bureau of Indian Affairs, 1849 C Street, NW., Mail Stop 4513–MIB, Washington, DC 20240; Telephone: (202) 513–7621.

SUPPLEMENTARY INFORMATION:

The regulations implementing the Indian Child Welfare Act, 25 U.S.C. 1901 *et seq.,* provide that Indian Tribes may designate an agent other than the Tribal chairman for service of notice proceedings under the Act. *See* 25 CFR 23.12. The Secretary of the Interior is required to publish in the **Federal Register** on an annual basis the names and addresses of the designated Tribal agents. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

This notice presents, in two different formats, the names and addresses of current designated Tribal agents for service of notice, and includes each designated Tribal agent received by the Secretary of the Interior prior to the date of this publication. The first format lists designated Tribal agents by region and alphabetically by Tribe within each region. The second format is a table that lists designated Tribal agents alphabetically by the Tribal affiliation (first listing American Indian Tribes, then listing Alaska Native Tribes). Each format also lists the Bureau of Indian Affairs contact(s) for each of the twelve regions.

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A. List of Designated Tribal Agents by Region

1. Alaska Region

Niles Cesar, Regional Director, Alaska Regional Office, P.O. Box 25520, 709 W. 9th, 3rd Floor, Federal Building, Juneau, AK 99802–5520; Phone: (800) 645–8397; Fax: (907) 586–7252.

Gloria Gorman, M.S.W., Human Services Director, P.O. Box 25520, 709 W. 9th, 3rd Floor, Federal Building, Juneau, AK 99802–5520; Phone: (800) 645–8397 extension 2; Fax: (907) 586–7037.

A

Afognak, Native Village of (formerly the Village of Afognak), Melissa Borton, Tribal Administrator, 115 Mill Bay Rd, Ste. 201, Kodiak, AK 99615; Phone: (907) 486–6357; Fax: (907) 486–6529; e-mail: *tribe@afognak.org.*

Agdaagux Tribe of King Cove, Arthur Newman, Tribal Administrator, P.O. Box 249, King Cove, AK 99612; Phone: (907) 497–2648; Fax: (907) 497–2803; e-mail: *ATC@arctic.net* and, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700 or 222–4236; Fax: (907) 279–4351; e-mail: *graces@apiai.org.*

Akhiok, Native Village of, David Eluska, Tribal Manager P.O. Box 5030, Akhiok, AK 99615; Phone: (907) 836–2312 or 836–2313; Fax: (907) 836–2345; e-mail: *david.eluska@kanaweb.org,* or *Sandra.zeedar@kanaweb.org.*

Akiachak Native Community, Georgiann Wassilie, Tribal Family Services, P.O. Box 70, Akiachak, AK 99551–0070; Phone: (907) 825–4626/4073; Fax: (907) 825–4029/4075.

Akiak Native Community, Andrea Jasper, ICWA Worker, and Balassia Phillip, Social Services Director, P.O. Box 52127, Akiak, AK 99552; Phone: (907) 765–7117; Fax: (907) 765–7120; e-mail: *akiaknc@unicom-alaska.com; akiakss@unicom-alaska.com.*

Akutan, Native Village of, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700 or 222–4236; Fax: (907) 279–4351; e-mail: *graces@apiai.org.*

Alakanuk, Village of, Charlene Smith, ICWA Specialist, P.O. Box 149, Alakanuk, AK 99554; Phone: (907) 238–3704; Fax: (907) 238–3705; *csmith@avcp.org,* and Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, AK 99559; Phone: (907) 543–7440; Fax: (907) 543–5759.

Alatna Village, Michelle Sam, Acting Tribal Administrator, P.O. Box 70, Allakaket, AK 99720; Phone: (907) 968–2304; Fax: (907) 968–2305; and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251 ext. 3177; Fax: (907) 459–3953.

Aleknagik, Native Village of, Jane Gottschalk, Tribal Children Service Worker, P.O. Box 115, Aleknagik, AK 99555; Phone: (907) 842–4577; Fax: (907) 842–2229; *janegottschalk@gmail.com;* and Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, AK 99576; Phone: (907) 842–4139; Fax: (907) 842–4106; e-mail: *cnixon@bbna.com.*

Algaaciq Native Village (St. Mary's), Sven Paukan, Tribal President, P.O. Box 48, St. Mary's, AK 99658–0048; Phone: (907) 438–2932; Fax: (907) 438–2227; and Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, AK 99559; Phone: (907) 543–7440; Fax: (907) 543–5759.

Allakaket Village, Elisa Bergman, ICWA Worker, P.O. Box 50, Allakaket, AK 99720; Phone: (907) 968–2237/2303; Fax: (907) 968–2233; e-mail: *elisa.bergman@tananachiefs.org,* and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251, ext. 3177; Fax: (907) 459–3953.

Ambler, Native Village of, Shield Downey, Jr. First Chief and Mary J. Ramoth, ICWA Coordinator, Box 86047, Ambler, AK 99786; Phone: (907) 445–2189/2238; Fax: (907) 445–2257/2181; e-mail: *mary.ramoth@ivisaappaat.org.*

Anaktuvuk Pass, Village of, Tribal President, P.O. Box 21065, Anaktuvuk Pass, AK 99721; Phone: (907) 661–2575; Fax: (907) 661–2576; and Price Leavitt, Sr., Executive Director; Inupiat Community of the Arctic Slope; P.O. Box 934, 6986 Ahmaogak St., Barrow, AK 99723; Phone: (907) 852–4227; Fax: (907) 852–4068; e-mail: *icas.executive@barrow.com.*

Andreafski, Yupiit of, Carol Alstrom, Tribal Administrator, P.O. Box 88, St. Mary's, AK 99658–0088; Phone: (907) 438–2312; Fax: (907) 438–2512.

Angoon Community Association, Albert Kookesh III, Social Service Manager, P.O. Box 328, Angoon, AK 99820; Phone: (907) 788–3411; Fax: (907) 788–3412.

Aniak, Village of, Muriel Morgan, ICWA Worker, Box 349, Aniak, AK 99557; Phone: (907) 675–4349; (907) 675–4507; Fax (907) 675–4513.

Anvik Village, Alberta Walker, Tribal Family Youth Specialist (TFYS), P.O. Box 10, Anvik, AK 99558; Phone: (907) 663–6322; Fax: (907) 663–6357; and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251, ext. 3177; Fax: (907) 459–3953.

Arctic Village, Nena C. Wilson, ICWA—Manager, P.O. Box 69, Arctic Village, AK 99722; Phone: (907) 587–5523/5328; Fax: (907) 587–5128.

Asa'carsarmiut Tribe (formerly Native Village of Mountain Village), Evelyn D. Peterson, ICWA Worker, P.O. Box 32107, Mountain Village, AK 99632; Phone: (907) 591–2428; Fax: (907) 591–2934; e-mail: *atcadmin@gci.net.*

Atka, Native Village of, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700 or (907) 222–4236; Fax: (907) 279–4351; e-mail: *graces@apiai.org.*

Atmautluak, Village of, Louisa G. Pavilla, ICWA Worker, P.O. Box 6568, Atmautluak, AK 99559; Phone: (907) 553–5510; Fax: (907) 553–5150.

Atqasuk Village (Atkasook), Candace Itta, President, P.O. Box 91108, Atqasuk, AK 99791; Phone: (907) 633–2575; Fax: (907) 633–2576; e-mail: *icastaq@astacalaska.net;* and Arctic Slope Native Association, Maude Hopson, ICWA Worker; P.O. Box 1232, Barrow, Alaska 99723 Phone: (907) 852–9374; Fax: (907) 852–2761.

B

Barrow Inupiat Traditional Government, Native Village of, Marie H. Ahsoak, Social Services Director, P.O. Box 1130, Barrow, AK 99723; Phone: (907) 852–4411 ext. 209; Direct line: (907) 852–8909; Fax: (907) 852–4413; e-mail: *mahsoak@nvbarrow.net.*

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Louden (*See* Galena).

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Quinhagak (*see* Kwinhagak).

Qissunamiut Tribe (*see* Chevak).

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Russian Mission (*see* Iqurmuit Traditional Council)

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Sand Point (*see* Qagan Tayagungin Tribe of Sand Point Village).

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Sheldon's Point (*See* Nunam Iqua).

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St. Mary's (*see* Algaaciq).

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Upper Kalskag, Native Village of (*see* Kalskag).

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Y

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B

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G

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Leech Lake Band of Ojibwe, Rose Robinson, ICWA Coordinator, 115 Sixth Street, NW., Suite E, Cass Lake, MN 56633; Telephone: (218) 335–8270; Fax: (218) 335–8352.

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Reno-Sparks Indian Colony, Attention: Director of Social Services, 98 Colony Road, Reno, Nevada 89502; Telephone: (775) 329–5071.

S

Salt River Pima-Maricopa Indian Community, Office of the General Counsel or Social Services Division, Child Protective Services, 10,005 East Osborn Road, Scottsdale, Arizona 85256; Telephone: (480) 850–4130.

San Carlos Apache Tribe, Terry Ross, Director of Tribal Human Services, P.O. Box 0, San Carlos, Arizona 85550; Telephone: (928) 475–2313 or 2314; Fax: (928) 475–2342.

San Juan Southern Paiute Tribe, Tribal Enrollment Officer, Health and Human Services, P.O. Box 1169, Tuba City, Arizona 86045; Telephone: (928) 283–4587 or 4589; Fax: (928) 283–5531 or 5761.

Shoshone-Paiute Tribes of the Duck Valley Reservation (Nevada), Chairman, P.O. Box 219, Owyhee, Nevada 89832; Telephone: (208) 759–3100.

Skull Valley Band of Goshute Indians, Attention: ICWA Program Office, Metropolitan Plaza, Suite 110, 2480 S. Main Street, South Salt Lake City, Utah 84115; Telephone: (801) 474–0535.

South Fork Band Council, Karen McDade, Director, Social Services Program, 21 Lee, B13, Spring Creek, Nevada 89815; Telephone: (775) 744–2412.

Summit Lake Paiute Tribe, Attention: Tribal Chairperson, 653 Anderson Street, Winnemucca, Nevada 89445; Telephone: (775) 623–5151.

T

Te-Moak Tribe of Western Shoshone Indians, Chairman, 525 Sunset Street, Elko, Nevada 89801.

Tohono O'odham Nation, Office of Attorney General, P.O. Box 830, Sells, Arizona 85634; Telephone: (520) 383–3410.

Tonto Apache Tribe, Social Services Director, Tonto Apache Reservation 30, Payson, Arizona 85541; Telephone: (928) 474–5000, Fax: (928) 474–9125.

U

Ute Indian Tribe, Floyd Wyasket, Social Service Director, Box 190, Fort Duchesne, Utah 84026; Telephone: (435) 725–4026 or (435) 823–0141.

W

Walker River Paiute Tribe, ICWA Specialist, P.O. Box 146, Schurz, Nevada 89427; Telephone: (775) 773–2058 or 2541; Fax: (775) 773–2096.

Washoe Tribe of Nevada and California, Social Services Director, 919 Hwy, 395 South, Gardnerville, Nevada 89410; Telephone: (775) 883–1446.

Wells Indian Colony Band Council, Chairman, P.O. Box 809, Wells, Nevada 89835; Telephone: (775) 752–3045.

White Mountain Apache Tribe, Department of Social Services, Attention: Cynthia Burnett, Child Welfare Administrator, P.O. Box 1870, Whiteriver, Arizona 85941;

Telephone: (928) 338–4164, Fax: (928) 338–1469.

Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446.

Y

Yavapai-Apache Nation, Frieda A. Eswonia, Director, ICWA Program Indian Child Welfare Act, 2400 Datsi Street, Camp Verde, Arizona 86322–8412; Telephone: (928) 567–9439 Ext. 21; Fax: (928) 567–6485; E-mail: *feswonia@yan-tribe.org.*

Yavapai-Prescott Indian Tribe, Attention: ICWA Director, 530 East Merritt Avenue, Prescott, Arizona 86301; Telephone: (928) 777–0532; Fax: (928) 541–7945.

Yerington Paiute Tribe, Chairman, 171 Campbell Lane, Yerington, Nevada 89447; Telephone: (775) 463–3301.

Yomba Shoshone Tribe, Chairman, HC 61 Box 6275, Austin, Nevada 89310–9301; Telephone: (775) 964–2463.

B. List of Designated Tribal Agents by Tribal Affiliation

1. Tribes Other Than Alaska Native Tribes and Villages

Please note: There is a separate row for each designated Tribal agent. In some cases, a Tribe may have multiple designated Tribal agents. In those cases, a superscript number appears beside the name of the Tribe to indicate that there is an additional row for that Tribe with a different designated Tribal agent.

APACHE	Jicarilla Apache Nation, Monica Carrasco, Director of Mental Health & Social Services, P.O. Box 546, Dulce, New Mexico 87528, phone: (505) 759–3162, Southwest Region.
APACHE	Mescalero Apache Tribe, Christina Layton, Executive Director for Tribal Human Services, P.O. Box 228, Mescalero, New Mexico 88340, phone: (505) 464–4432, Southwest Region.
APACHE	San Carlos Apache Tribe, Terry Ross, Director of Tribal Human Services, P.O. Box 0, San Carlos, Arizona 85550, phone: (928) 475–2313, Western Region.
APACHE	Tonto Apache Tribe of Arizona, Social Services Division, Tonto Apache Reservation 30, Payson, Arizona 85541, phone: (928) 474–5000, Western Region.
APACHE	White Mountain Apache Tribe of the Fort Apache Reservation, Department of Social Services, Attention: Cynthia Burnett, Child Welfare Administrator, P.O. Box 1870, Whiteriver, Arizona 85941, phone: (928) 338–4164, Western Region.
APACHE (*SEE* YAVAPAI)	Yavapai-Apache Nation of the Camp Verde Indian Reservation, Frieda A. Eswonia, Director, ICWA Program, 2400 Datsi Street, Camp Verde, Arizona 86322–8412, Western Region.

ARAPAHOE	Northern Arapahoe Tribe of the Wind River Reservation, Chairman, P.O. Box 217, Fort Washakie, Wyoming 82514, phone: (406) 332–6120, Rocky Mountain Region.
ARAPAHO (*SEE* CHEYENNE)	Cheyenne-Arapaho Tribes of Oklahoma, Governor, P.O. Box 38, Concho, Oklahoma 73022, phone: (405) 262–0345, Southern Plains Region.
ARIKARA (*SEE* THREE AFFILIATED TRIBES/HIDATSA/MANDAN).	Three Affiliated Tribes, Katherine Felix, ICWA Representative, Three Affiliated Tribes, 404 Frontage Road, New Town, North Dakota 58763, phone: (701) 627–4781, Great Plains Region.
ASSINIBOINE (*SEE* GROS VENTRE)	Gros Ventre and Assiniboine Tribe of Fort Belknap Community Council, Director of Tribal Social Services, Rural Route 1, Box 66, Harlem, Montana 59526, phone: (406) 353–2205, Rocky Mountain Region.
ASSINIBOINE (*SEE* SIOUX)	Assiniboine and Sioux Tribes, Chairman, Fort Peck Indian Reservation, P.O. Box 1027, Popular, Montana 59255, phone: (406) 768–5155, Rocky Mountain Region.
BLACKFEET	Blackfeet Tribe of Montana, Indian Child Welfare Act (ICWA) Coordinator, P.O. Box 588, Browning, Montana 59417, phone: (406) 338–7806, Rocky Mountain Region.
CADDO	Caddo Indian Tribe of Oklahoma, Chairperson, P.O. Box 487, Binger, Oklahoma 73009, phone: (405) 656–2344, Southern Plains Region.
CAHUILLA	Aqua Caliente Band of Cahuilla Indians, Chantel Schuering, Tribal Family Services Director, 901 E. Tahquitz Canyon Way, Suite C–204, Palm Springs, California 92262, phone: (760) 864–1756, Pacific Region.
CAHUILLA (*SEE* MISSION)	Augustine Band of Cahuilla Indians, Chairperson, P.O. Box 846, Coachella, California 92236, phone: (760) 398–4722, Pacific Region.
CAHUILLA (*SEE* MISSION)	Cabazon Band of Mission Indians, Chairman, 84–245 Indio Springs Drive, Indio, California 92201, phone: (760) 342–2593, Pacific Region.
CAHUILLA (*SEE* MISSION)	Cahuilla Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, phone: (951) 676–8832, Pacific Region.
CAHUILLA (*SEE* MISSION/CUPENO)	Los Coyotes Band of Cahuilla & Cupeno Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (760) 749–1410, Pacific Region.
CAHUILLA (*SEE* MISSION)	Morongo Band of Cahuilla Mission Indians, Maurice Lyons, Chairman, 11581 Potrero Road, Banning, California 92220, phone: (951) 849–4697, Pacific Region.
CAHUILLA (*SEE* MISSION)	Ramona Band or Village of Cahuilla Mission Indians, ICWA Coordinator, P.O. Box 391372, Anza, California 92539, Pacific Region.
CAHUILLA (*SEE* MISSION)	Santa Rosa Band of Cahuilla Mission Indians, ICWA Representative, P.O. Box 609, Hemet, California 92546, phone: (951) 658–5311, Pacific Region.
CAHUILLA (*SEE* MISSION)	Soboba Band of Luiseno Indians, Tribal Social Worker, Sobboba Social Services Department, P.O. Box 487, San Jacinot, California 92581, phone: (707) 463–2644, Pacific Region.
CAHUILLA	Torres Martinez Desert Cahuilla Indians, Annette Chihuahua, ICWA Representative, P.O. Box 1160, Thermal, California 92274, phone: (760) 397–0300, Pacific Region.
CATAWBA	Catawba Indian Nation of South Carolina, Aliceson McCormick, Director, Social Services, P.O. Box 188, Catawba, South Carolina 29701, phone: (803) 366–4792 Ext. 225, Eastern Region.
CAYUGA (*SEE* IROQUOIS/SENECA)	Cayuga Nation of New York, Anita Thompson, Child Welfare Worker, P.O. Box 11, Versailles, New York 14168, phone: (716) 337–4270, Eastern Region.
CAYUGA (*SEE* SENECA)	Seneca-Cayuga Nation of Oklahoma, Paul Spicer, Principal Chief, P.O. Box 1283, Miami, Oklahoma 74355, phone: (918) 542–6609, Eastern Oklahoma Region.
CHEHALIS	Confederated Tribes of the Chehalis, Chehalis Business Council, Nancy Dufraine, ICWA Contact, P.O. Box 536, Oakville, Washington 98568–9616, phone: (360) 273–5911, Northwest Region.
CHEMEHUEVI	Chemehuevi Indian Tribe, Tribal Administrator, P.O. Box 1976, Havasu Lake, California 92363, phone: (760) 858–4219, Western Region.
CHEMEHUEVI (*SEE* COLORADO RIVER/HOPI/MOJAVE/NAVAJO).	Colorado River Indian Tribes, Daniel Eddy, Jr., Chairman, Route 1, Box 23–B, Parker, Arizona 85344, phone: (928) 669–9211, Western Region.
CHEMEHUEVI (*SEE* LUISENO/MISSION)	Twenty-Nine Palms Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, phone: (951) 676–8832, Pacific Region.
CHEROKEE	Cherokee Nation of Oklahoma, Chadwick Smith, Principal Chief, P.O. Box 948, Tahlequah, Oklahoma 74465, phone: (918) 456–0671, Eastern Oklahoma Region.
CHEROKEE	Eastern Band of Cherokee Indians, Barbara Jones, Director, Family Support Services, 508 Goose Creek Road, P.O. Box 507, Cherokee, North Carolina 28719, phone: (828) 497–6092, Eastern Region.
CHEROKEE	United Keetoowah Band of Cherokee Indians, George Wickliffe, Chief, P.O. Box 746, Tahlequah, Oklahoma 74465, phone: (918) 431–1818, Eastern Oklahoma Region.
CHEYENNE	Northern Cheyenne Tribe of the Northern Cheyenne Reservation, Director, Tribal Social Services, P.O. Box 128, Lame Deer, Montana 59043, phone: (406) 477–8321, Rocky Mountain Region.
CHEYENNE (*SEE* ARAPAHO)	Cheyenne-Arapaho Tribes of Oklahoma, Governor, P.O. Box 38, Concho, Oklahoma 73022, phone: (405) 262–0345, Southern Plains Region.
CHICKASAW	The Chickasaw Nation, Bill Anoatubby, Governor, P.O. Box 1548, Ada, Oklahoma 74821, phone: (580) 436–2603, Eastern Oklahoma Region.
CHIPPEWA (*SEE* OJIBWE)	Bad River Band of the Lake Superior Tribe of, Chippewa Indians, Catherine Blanchard, ICWA Coordinator, P.O. Box 55, Odanah, Wisconsin 54861, phone: (715) 682–7135, Midwest Region.
CHIPPEWA	Bay Mills Indian Community, Cheryl Baragwanath, ICWA Worker, 12124 W. Lakeshore Drive, Brimley, Michigan 49715, phone: (906) 248–3204, Midwest Region.
CHIPPEWA	Boise Fort Reservation Tribal Government, Gary Adams, Human Service Director, 13090 Westley Drive, Suite B, Nett Lake, Minnesota 55772, phone: (218) 757–0111, Midwest Region.

CHIPPEWA (*SEE* CREE)	Chippewa Cree Indians of the, Rocky Boy's Reservation, Tribal Chairman, Rural Route 1, P.O. Box 544, Box Elder, Montana 59521, phone: (406) 395–5705, Rocky Mountain Region.
CHIPPEWA	Fond du Lac Reservation Business Committee, Lisa Polack, ICWA Coordinator, 1720 Big Lake Road, Cloquet, Minnesota 55720, phone: (218) 879–1227, Midwest Region.
CHIPPEWA	Grand Portage Reservation, Human Services, P.O. Box 428, Grand Portage, Minnesota 55604, phone: (218) 475–2453, Midwest Region.
CHIPPEWA (*SEE* OTTAWA/PESHAWBESTOWN).	Grand Traverse Band of Ottawa and Chippewa Indians, Ms. Sonya Zotigh, Tribal Manager, 2605 N. West bay shore Drive, Peshawbestown, Michigan 49682, phone: (231) 534–7136, Midwest Region.
CHIPPEWA (*SEE* POTAWATOMI)	Hannahville Indian Community of Michigan, ICWA Worker, N14911 Hannahville B1 Road, Wilson, Michigan 49896–9728, phone: (906) 466–9320, Midwest Region.
CHIPPEWA	Keweenaw Bay Indian Community of the L'Anse Reservation of Michigan, Judy Heath, Tribal Social Service Director/ICWA Worker, 107 Beartown Road, Baraga, Michigan 49908, phone: (906) 353–6623 Ext: 4201, Midwest Region.
CHIPPEWA	Lac Courte Oreilles Band of Lake Superior Chippewa Indian of Wisconsin, LuAnn Kolumbus, Tribal Social Services Director, 13394 W. Trepania Road, Building 1, Hayward, Wisconsin 54843, phone: (715) 634–8934, Midwest Region.
CHIPPEWA	Lac du Flambeau Band of Lake Superior Chippewa Indians, Laura Kuehn, ICWA Coordinator, P.O. Box 189, Lac du Flambeau, Wisconsin 54538, phone: (715) 588–1511, Midwest Region.
CHIPPEWA	Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan, Melissa J. McGeshieck, ICWA Coordinator, P.O. Box 249, Watersmeet, Michigan 49969, phone: (906) 358–4940, Midwest Region.
CHIPPEWA (*SEE* OJIBWE)	Leech Lake Band of Ojibwe, Rose Robinson, ICWA Coordinator, 115 Sixth Street, NW, Suite E, Cass Lake, Minnesota 56633, phone: (218) 335–8270, Midwest Region.
CHIPPEWA (*SEE* OJIBWE)	Mille Lacs Reservation Business Committee, ICWA Coordinator, 43408 Oodana Drive, Onamia, Minnesota 56359, phone: (320) 532–4139, Midwest Region.
CHIPPEWA	Minnesota Chippewa Tribe of Minnesota, Includes Six Component Reservations:, Bois Forte Band, Fond Du Lac band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band, Adrienne Adkins, Human Services Director, P.O. Box 217, Cass Lake, Minnesota 56633, phone: (218) 335–8585, Midwest Region.
CHIPPEWA	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Beth Meyers, ICWA Director, 88385 Pike Road, Highway 13, Bayfield, Wisconsin 54814, phone: (715) 779–3747 Ext. 18, Midwest Region.
CHIPPEWA	Red Lake Band of Chippewa Indians, Dr. Sandra Parsons, Family and Children Services, Box 427, Red Lake, Minnesota 56671, phone: (218) 679–2122, Midwest Region.
CHIPPEWA, (*SEE* OJIBWE)	St. Croix Chippewa Indians of Wisconsin, Kathryn LaPointe, ICWA Director, 24663 Angeline Avenue, Webster, Wisconsin 54893, phone: (715) 349–2195, Midwest Region.
CHIPPEWA	Sault Ste. Marie Tribe of Chippewa Indians of Michigan, Juanita Bye, Child Placement Director, 2864 Ashmun Street, 3rd Floor, Sault Ste Marie, Michigan 49783, phone: (906) 632–5250 Ext. 23180, Midwest Region.
CHIPPEWA	Sokaogon Chippewa Community (Mole Lake), Angela Charbarneau, ICWA Worker, 3051 Sand Lake Road, Crandon, Wisconsin 54520, phone: (715) 478–2520, Midwest Region.
CHIPPEWA	Turtle Mountain Band of Chippewa Indians, Marilyn Poitra, ICWA coordinator, Child Welfare and Family Services, P.O. Box 900, Belcourt, North Dakota 58316, phone: (701) 477–5688, Great Plains Region.
CHIPPEWA	White Earth Reservation Business Committee, Jeri Jasken, ICWA Coordinator, P.O. Box 70, ICWA, Naytahwaush, Minnesota 56566, phone: (218) 935–5554, Midwest Region.
CHIRICAHUA (*SEE* APACHE)	Fort Sill Apache Tribe of Oklahoma, Chairperson, Route 2, Box 121, Apache, Oklahoma 73006, phone: (580) 588–2298, Southern Plains Region.
CHOCTAW	Choctaw Nation of Oklahoma, Gregory E. Pyle, Chief, P.O. Drawer 1210, Durant, Oklahoma 74702–1210, phone: (580) 924–8280, Eastern Oklahoma Region.
CHOCTAW	Jena Band of Choctaw Indians, Mona Maxwell, Director, Social Services, P.O. Box 14, Jena, Louisiana 71342, phone: (318) 992–0136, Eastern Region.
CHOCTAW	Mississippi Band of Choctaw Indians, Maurice Calistro, Director, P.O. Box 6010, Choctaw, Mississippi 39350, phone: (601) 650–1741, Eastern Region.
CHUKCHANSI	Picayune Rancheria of Chukchansi Indians, ICWA Director, 46575 Road 417, Coarsegold, California 93614, phone: (559) 683–6633, Pacific Region.
CHIMASH (*SEE* MISSION)	Santa Ynez Band of Mission Indians, Caren Romero, Jess Montoya, ICWA Representative, Executive Director, Santa Ynez, California 93460, phone: (805) 688–7070, Pacific Region.
COCOPAH	Cocopah Tribal Council, Mr. Kermit A. Palmer, Tribal Administrator, County 15 and Ave. G, Somerton, Arizona 85350, phone: (928) 627–2102, Western Region.
COEUR D'ALENE	Coeur D'Alene Tribal Council, ICWA, 850 A. Street, Box 408, Plummer, Idaho 83851–0408, phone: (208) 686–1800, Northwest Region.
COLORADO RIVER, (*SEE* CHEMEHUEVI/HOPI/MOJAVE/NAVAJO).	Colorado River Indian Tribes, Daniel Eddy, Jr., Chairman, Route 1, Box 23–B, Parker, Arizona 85344, phone: (928) 669–9211, Western Region.
COLVILLE	Colville Business Council, ICWA, P.O. Box 150, Nespelem, Washington 99155–011, phone: (509) 634–2200, Northwest Region.
COMANCHE	Comanche Nation, Chairperson, HC 32, Box 1720, Lawton, Oklahoma 73502, phone: (580) 492–4988, Southern Plains Region.
COQUILLE	Coquille Indian Tribe, Wayne Grant, ICWA Contact, P.O. Box 3190, Coos Bay, Oregon 97420, phone: (541) 888–9494, Northwest Region.
COUSHATTA	Coushatta Tribe of Louisiana, Tyler Greymountain, Child Care Specialist, P.O. Box 967, Elton, Louisiana 70532, phone: (337) 584–1433, Eastern Region.
COWLITZ	Cowlitz Indian Tribe, Carolee Morris, ICWA Director, P.O. Box 2547, Longview, Washington 98632–8594, phone: (360) 577–8140, Northwest Region.

CREE (*SEE* CHIPPEWA)	Chippewa Cree Indians of the Rocky Boy's Reservation, Tribal Chairman, Rural Route 1, P.O. Box 544, Box Elder, Montana 59521, phone: (406) 395–5705, Rocky Mountain Region.
CREEK (*SEE* ALABAMA-QUASSARTE)	Alabama Quassarte Tribal Town, Tarpie Yargee, Chief, P.O. Box 187, Wetumka, Oklahoma 74883, phone: (405) 452–3987, Eastern Oklahoma Region.
CREEK	Kialegee Tribal Town, Gary Bucktrot, Town King, P.O. Box 332, Wetumka, Oklahoma 74883, phone: (918) 452–3262, Eastern Oklahoma Region.
CREEK	The Muscogee (Creek) Nation, A.D. Ellis, Principal Chief, P.O. Box 580, Okmulgee, Oklahoma 74447, phone: (918) 756–8700, Eastern Oklahoma Region.
CREEK	Poarch Band of Creek Indians, Carolyn M. White, Executive Director, Martha Gookin, Family Services Coordinator, Department of Family Services, 5811 Jack Springs Road, Atmore, Alabama 36502, phone: (251) 368–9136 Ext. 2600, Eastern Region.
CREEK	Thlopthlocco Tribal Town, George Scott, Town King P.O. 188, Okemah, Oklahoma 74859, phone: (918) 623–2620, Eastern Oklahoma Region.
CROW	Crow Tribe, Director of Tribal Social Services, P.O. Box 159, Crow Agency, Montana 59022, phone: (406) 638–3925, Rocky Mountain Region.
DELWARE (*SEE* LENAPI/MUNSEE)	Delaware Nation, President, P.O. Box 825, Anadarko, Oklahoma 73005, phone: (405) 247–2448, Southern Plains Region.
DIEGUENO (*SEE* MISSION)	Barona Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
DIEGUENO (*SEE* MISSION)	Campo Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
DIEGUENO (*SEE* KUMEYAAY)	Ewiiaapaayp (Cuyapaipe) Band of Kumeyaay Indians, CEO, Ewiiaapaayp Tribal Government, 4050 Willow Road, Alpine, California 91903, phone: (619) 445–6315, Pacific Region.
DIEGUENO (*SEE* MISSION)	Inaja & Cosmit Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
DIEGUENO (*SEE* KUMEYAAY)	Jamul Indian Village, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
DIEGUENO (*SEE* MISSION)	La Posta Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
DIEGUENO (*SEE* MISSION)	Manzanita Band of Mission Indians, Chairperson, P.O. Box 1302, Boulevard, California 91905, phone: (619) 766–4930, Pacific Region.
DIEGUENO (*SEE* MISSION)	Mesa Grande Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
DIEGUENO, (*SEE* MISSION)	Rincon Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
DIEGUENO	San Pasqual Band of Diegueno Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
DIEGUENO (*SEE* MISSION)	Santa Ysabel Band of Mission Indians, Linda Ruis, Director, Santa Ysabel Social Services Department, P.O. Box 701, Santa Ysabel, California 92070, phone: (760) 765–1106, Pacific Region.
DIEGUENO (*SEE* MISSION)	Sycuan Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
DIEGUENO (*SEE* MISSION)	Veijas (Baron Long) Band of Mission Indian, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
FLATHEAD (*SEE* KOOTENAI/SALISH)	Confederated Salish & Kootenai Tribes, ICWA Contact, Box 278, Pablo, Montana 59855, phone: (406) 675–2700, Pacific Region.
GOSHUTE	Goshute Business Council (Nevada and Utah), Melissa Oppenhein, ICWA, Confederated Tribes of the Goshute Reservation, P.O. Box 6104, Ibapah, Utah 84034, phone: (435) 234–1178, Western Region.
GOSHUTE	Skull Valley Band of Goshute Indians, Attention: ICWA Program Office, Metropolitan Plaza, Suite 110, 2480 S. Main Street, South Salt Lake City, Utah 84115, phone: (801) 474–0535, Western Region.
GRAND RONDE (*SEE* SHASTA/SILETZ)	Confederated Tribes of the Grande Ronde Community of Oregon, Dana Ainma, ICWA Contact, 9615 Grand Ronde Road, Grand Ronde, Oregon 97347–0038, phone: (503) 879–2034, Northwest Region.
GROS VENTRE (*SEE* ASSINIBOINE)	Gros Ventre and Assiniboine Tribe of Fort Belknap Community Council, Director of Tribal Social Services, Rural Route 1, Box 66, Harlem, Montana 59526, phone: (406) 353–2205, Rocky Mountain Region.
HAVASUPAI	Havasupai Tribe, Attention: Phyllis Jones, ICWA Coordinator, P.O. Box 10, Supai, Arizona 86435, phone: (928) 448–2731, Western Region.
HIDATSA (*SEE* ARIKARA/MANDAN/THREE AFFILIATED TRIBES).	Three Affiliated Tribes, Katherine Felix, ICWA Representative, Three Affiliated Tribes, 404 Frontage Road, New Town, North Dakota 58763, phone: (701) 627–4781, Great Plains Region.
HO-CHUNK, (*SEE* WINNEBAGO)	The Ho-Chunk Nation, ICWA Coordinator, P.O. Box 40, Black River Falls, Wisconsin 54615, phone: (715) 284–2622, Midwest Region.
HOH	HOH Tribal Business Committee, Ruth King, ICWA Contact, 2464 Lower Hoh Road, Forks, Washington 98331, phone: (360) 374–6582, Northwest Region.

HOOPA	Hoopa Valley Tribe, Director, Social Services, ICWA Program, P.O. Box 1267, Hoopa, California 95546, phone: (530) 625–4236, Pacific Region.
HOPI (*SEE* CHEMEHUEVI/MOHAVE/COLORADO RIVER/NAVAJO).	Colorado River Indian Tribes, Daniel Eddy, Jr., Chairman, Route 1, Box 23–B, Parker, Arizona 85344, phone: (928) 669–9211, Western Region.
HOPI	Hopi Tribe of Arizona, Tribal Human Service Director, Hopi Guidance Center Social Services, P.O. Box 68, Second Mesa, Arizona 86043, phone: (928) 737–2685, Western Region.
HUALAPAI	Hualapai Tribe, Carrie Imus, Director, Hualapai Human Services, P.O. Box 480, Peach Springs, Arizona 86434, phone: (928) 769–2383/2269, Western Region.
HURON (*SEE* POTAWATOMI)	Huron Potawatomi, Inc., Nancy Smit, ICWA Worker (MSW Social Worker), 4415 Byron Center Avenue, SW, Wyoming, Michigan 49509, phone: (616) 249–0159, Midwest Region.
HURON (*SEE* WYANDOTTE)	Wyandotte Tribe of Oklahoma, Leaford Bearskin, Chief, P.O. Box 250, Wyandotte, Oklahoma 74370, phone: (918) 678–2297, Eastern Oklahoma Region.
IOWA	Iowa Tribe of Kansas, Chairperson, 3345 B. Thrasher Road, White Cloud, Kansas 66094, phone: (785) 595–3258, Southern Plains Region.
IOWA	Iowa Tribe of Oklahoma, Chairperson, Route 1, Box 721, Perkins, Oklahoma 74059, (405) 547–2402, Southern Plains Region.
IROQUOIS (*SEE* CAYUGA/SENECA)	Cayuga Nation of New York, Anita Thompson, Child Welfare Worker, P.O. Box 11, Versailles, New York 14168, phone: (716) 337–4270, Eastern Region.
IROQUOIS (*SEE* ONEIDA)	Oneida Indian Nation, Member Benefits, 577 Main Street, Oneida, New York 13421, phone: (315) 829–8335, Eastern Region.
IROQUOIS (*SEE* ONONDAGA)	Onondaga Nation, Council of Chiefs, P.O. Box 85, Nedrow, New York 13120, phone: (315) 469–1875, Eastern Region.
IROQUOIS (*SEE* MOHAWK)	Saint Regis Band of Mohawk Indians, Rhonda Mitchell, ICWA Program Coordinator, 412 State, Route 37, Akwesasne, New York 13655, phone: (518) 358–4516, Eastern Region.
IROQUOIS (*SEE* SENECA)	Seneca Nation of Indians, Tracy Pacini, Program Coordinator, Child and Family Services, P.O. Box 500, Salamanca, New York 14799, phone: (716) 945–5894 Ext: 3233, Eastern Region.
IROQUOIS (*SEE* SENECA/TONAWANDA)	Tonawanda Band of Seneca, Council of Chiefs, 7027 Meadville Road, Basom, New York 14013, phone: (716) 542–4244, Eastern Region.
IROQUOIS (*SEE* TUSCARORA)	Tuscarora Nation of New York, Supervisor, Community Health Worker, 2015 Mount Hope Road, Lewistown, New York 14092, phone: (716) 297–0598, Eastern Region.
KALISPEL	Kalispel Tribe of Indians, Sandra Kubu, ICWA Coordinator, P.O. Box 327, USK, Washington 99180, phone: (509) 445–1762/(509) 445–1682, Northwest Region.
KARUK (*SEE* TOLOWA/YUROK)	Elk Valley Rancheria, Chairperson, 2332 Howland Hill Road, Crescent City, California 95531, phone: (707) 464–4680, Pacific Region.
KARUK	Karuk Tribe of California, Director, Social Services, ICWA Social Worker, 1519 S. Oregon Street, Yreka, California 96097, phone: (530) 493–1600, Pacific Region.
KARUK (*SEE* SHASTA)	Quartz Valley Indian Reservation, ICWA Director, 13601 Quartz Valley Road, Fort Jones, California 96032, phone: (530) 468–5729, Pacific Region.
KARUK	Karuk Tribe of California, Director, Social Services, ICWA Social Worker, 1519 S. Oregon Street, Yreka, California 96097, phone: (530) 493–1600, Pacific Region.
KASHIA (*SEE* POMO)	Stewards Point Rancheria, Lorraine Laiwa, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, phone: (707) 463–2644, Pacific Region.
KAW	Kaw Nation, Chairperson, Drawer 50, Kaw City, Oklahoma 74641, phone: (580) 269–2552, Southern Plains Region.
KASHIA (*SEE* POMO)	Stewards Point Rancheria, Lorraine Laiwa, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, phone: (707) 463–2644, Pacific Region.
KAW	Kaw Nation, Chairperson, Drawer 50, Kaw City, Oklahoma 74641, phone: (580) 269–2552, Southern Plains Region.
KEWEENAW (*SEE* CHIPPEWA)	Keweenaw Bay Indian Community of the L'Anse Reservation of Michigan, Judy Heath, Tribal Social Service Director/ICWA Worker, 107 Beartown Road, Baraga, Michigan 49908, phone: (906) 353–6623 Ext: 4201, Midwest Region.
KICKAPOO	Kickapoo Tribe of Indians of Kansas, Chairperson, P.O. Box 271, Horton, Kansas 66439, phone: (785) 486–2131, Southern Plains Region.
KICKAPOO	Kickapoo Tribe of Oklahoma, Chairperson, P.O. Box 70, McLoud, Oklahoma 74851, phone: (405) 964–2075, Southern Plains Region.
LUISENO	Soboba Band of Luiseno Indians, Tribal Social Worker, Soboba Social Services Department, P.O. Box 487, San Jacinto, California 92581, phone: (707) 463–2644, Pacific Region.
LUISENO (*SEE* CHEMEHUEVI/MISSION)	Twenty-Nine Palms Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, phone: (951) 676–8832, Pacific Region.
LUMMI	Lummi Tribe of the Lummi Reservation, Kim Goes Behind, ICWA Contact, 1790 Bayon Road, Bellingham, Washington 98225, phone: (360) 738–0848, Northwest Region.
MAIDU	Berry Creek Rancheria, ICWA Director, 5 Tyme Way, Oroville, California 95966, phone: (530) 534–3859, Pacific Region.
MAIDU (*SEE* MIWOK)	Enterprise Rancheria, Chairperson, 3690 Olive Highway, Oroville, California 95966, phone: (530) 532–9214, Pacific Region.
MAIDU	Greenville Rancheria, ICWA Coordinator, Greenville Health Clinic, P.O. Box 279, Greenville, California 95947, phone: (530) 284–7990, Pacific Region.
MAIDU (*SEE* MECHOOPDA)	Mechoopda Indian Tribe of the Chico Reservation, Chairperson, 125 Mission Ranch Boulevard, Chico, California 95926, phone: (530) 899–8922, Pacific Region.
MAIDU	Mooretown Rancheria, Francine McKinley, ICWA Coordinator, 1 Alverda Drive, Oroville, California 95966, phone: (530) 533–3625, Pacific Region.
MAIDU (*SEE* PAIUTE/PIT RIVER)	Susanville Indian Rancheria, Chairperson, ICWA Director, 745 Joquin Street, Susanville, California 96130, phone: (530) 251–5205, Pacific Region.
MAIDU (*SEE* MIWOK)	Auburn Rancheria, Chairperson, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, California 95603, phone: (916) 663–3720, Pacific Region.

MAKAH	Makah Indian Tribal Council, Vickie Carlson, ICWA Caseworker, Makah Family Services, P.O. Box 115, Neah Bay, Washington 98357–0115, phone: (360) 645–3257, Northwest Region.
MALISEET	Houlton Band of Maliseet Indians, Betsy Tannian, Director, ICWA Program, 13–2 Clover Court, Hourton, Maine 04730, phone: (207) 532–7260, Eastern Region.
MANDAN (*SEE* ARIKARA/THREE AFFILIATED) TRIBES/HIDATSA.	Three Affiliated Tribes, Katherine Felix, ICWA Representative, Three Affiliated Tribes, 404 Frontage Road, New Town, North Dakota 58763, phone: (701) 627–4781, Great Plains Region.
MARICOPA (*SEE* PIMA)	Gila River Pima-Maricopa Indian Community, Attention: Tribal Social Service Director, P.O. Box 97, Sacaton, Arizona 85247, phone: (520) 562–3711 Ext: 233, Western Region.
MARICOPA (*SEE* PIMA)	Salt River Pima-Maricopa Indian Community, Office of the General Counsel/Social Services Division, Child Protective Services, 10,005 East Osborn Road, Scottsdale, Arizona 85256, phone: (480) 850–4130, Western Region.
MECHOOPDA (*SEE* MAIDU)	Mechoopda Indian Tribe of the Chico Reservation, Chairperson, 125 Mission Ranch Boulevard, Chico, California 95926, phone: (530) 899–8922, Pacific Region.
MENOMINEE	Menominee Indian Tribe of Wisconsin, Mary Husby, Social Services Director, P.O. Box 910, Keshena, Wisconsin 54135, phone: (715) 799–5100, Midwest Region.
ME-WUK (*SEE* MIWOK)	Auburn Rancheria, Chairperson, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, California 95603, phone: (916) 663–3720, Pacific Region.
ME-WUK (*SEE* MIWOK/POMO)	Buena Vista Rancheria of Me-Wuik Indians, Penny Arciniaga, P.O. Box 162283, Sacramento, California 95816, phone: (916) 491–0011, Pacific Region.
ME-WUK (*SEE* MIWOK)	California Valley Miwok Tribe, Rashel Reznor, ICWA Director, 10601 Escondido Place, Stockton, California 95212, phone: (209) 931–4567, Pacific Region.
ME-WUK (*SEE* MIWOK)	Chicken Ranch Rancheria, Chairperson, P.O. Box 1159, Jamestown, California 95327, phone: (209) 984–4806, Pacific Region.
ME-WUK (*SEE* MIWOK)	Enterprise Rancheria, Chairperson, 3690 Olive Highway, Oroville, California 95966, phone: (530) 532–9214, Pacific Region.
ME-WUK (*SEE* MIWOK/POMO)	Graton Rancheria, Michele Proter, ICWA Coordinator, 6400 Redwood Drive, Suite 300, Rohnert Park, California 94928, phone: (707) 566–2288 Ext: 115, Pacific Region.
ME-WUK (*SEE* MIWOK)	Ione Band of Miwok Indians, Tribal Administrator, P.O. Box 1190, Ione, California 95640, phone: (209) 274–6753, Pacific Region.
ME-WUK (*SEE* MIWOK)	Jackson Rancheria, ICWA Manager, P.O. Box 1090, Jackson, California 95642, phone: (209) 223–1935, Pacific Region.
ME-WUK (*SEE* MIWOK)	Shingle Springs Rancheria, ICWA Coordinator, P.O. Box 1340, Shingle Springs, California 95682, phone: (530) 698–1400, Pacific Region.
ME-WUK (*SEE* MIWOK)	Trinidad Rancheria, Chairperson, P.O. Box 630, Trinidad, California 95570, phone: (707) 677–0211, Pacific Region.
ME-WUK (*SEE* MIWOK)	Tuolumne Rancheria, ICWA Coordinator, P.O. Box 615, Tuolumne, California 95379, phone: (209) 928–3475, Pacific Region.
MIAMI	Miami Tribe of Oklahoma, Chief, P.O. Box 1326, Miami, Oklahoma 74355, phone: (918) 542–1445, Eastern Oklahoma Region.
MICCOSUKEE	Miccosukee Tribe of Indians of Florida, J. Degaglia, Social Service Program, P.O. Box 440021, Miami, Florida 33144, phone: (305) 223–8380 Ext: 2267, Eastern Region.
MICMAC	Aroostook Band of Micmac Indians, Ms. Sarah Dewitt, Social Services Director, 7 Northern Road, Presque Isle, Maine 04769, phone: (207) 764–1972, Eastern Region.
MISSION (*SEE* CAHUILLA)	Augustine Band of Cahuilla Indians, Chairperson, P.O. Box 846, Coachella, California 92236, phone: (760) 398–4722, Pacific Region.
MISSION (*SEE* DIEGUENO)	Barona Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
MISSION (*SEE* CAHUILLA)	Cabazon Band of Mission Indians, Chairman, 84–245 Indio Springs Drive, Indio, California 92201, phone: (760) 342–2593, Pacific Region.
MISSION (*SEE* CAHUILLA)	Cahuilla Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, phone: (951) 676–8832, Pacific Region.
MISSION (*SEE* DIEGUENO)	Campo Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
MISSION (*SEE* DIEGUENO)	Inaja & Cosmit Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
MISSION (*SEE* DIEGUENO)	La Posta Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
MISSION, (*SEE* CAHUILLA/CUPENO)	Los Coyotes Band of Cahuilla &, Cupeno Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (760) 749–1410, Pacific Region.
MISSION (*SEE* DIEGUENO)	Manzanita Band of Mission Indians, Chairperson, P.O. Box 1302, Boulevard, California 91905, phone: (619) 766–4930, Pacific Region.
MISSION (*SEE* DIEGUENO)	Mesa Grande Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
MISSION (*SEE* CAHUILLA)	Morongo Band of Cahuilla Mission Indians, Maurice Lyons, Chairman, 11581 Potrero Road, Banning, California 92220, phone: (951) 849–4697, Pacific Region.
MISSION (*SEE* LUISENO)	Pala Band of Mission Indians, Maria Garcia, ICWA Manager, Department of Social Services, 35008 Pala-Temecula Road, PMB 50, Pala, California 92059, phone: (760) 891–3542, Pacific Region.

MISSION (*SEE* LUISENO)	Pauma & Yuima Band of Mission Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (760) 749–1410, Pacific Region.
MISSION (*SEE* LUISENO)	Pechanga Band of Mission Indians, Mark Macarro, Spokesman, P.O. Box 1477, Temecula, California 92593, phone: (951) 676–2768, Pacific Region.
MISSION (*SEE* CAHUILLA)	Ramona Band or Village of Cahuilla Mission Indians, ICWA Coordinator, P.O. Box 391372, Anza, California 92539, Pacific Region.
MISSION (*SEE* DIEGUENO)	Rincon Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, phone: (706) 749–1410, Pacific Region.
MISSION (*SEE* CAHUILLA)	Santa Rosa Band of Cahuilla Mission Indians, ICWA Representative, P.O. Box 609, Hemet, California 92546, phone: (951) 658–5311, Pacific Region.
MISSION (*SEE* CHIMASH)	Santa Ynez Band of Mission Indians, Caren Romero, Jess Montoya, ICWA Representative, Executive Director, P.O. Box 539, Santa Ynez, California 93460, phone: (805) 688–7070, Pacific Region.
MISSION (*SEE* DIEGUENO)	Santa Ysabel Band of Mission Indians, Linda Ruis, Director, Santa Ysabel Social Services Department, P.O. Box 701, Santa Ysabel, California 92070, phone: (760) 765–1106, Pacific Region.
MISSION (*SEE* DIEGUENO)	Sycuan Band of Mission Indians, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
MISSION (*SEE* CHEMEHUEVI/LUISENO)	Twenty-Nine Palms Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, phone: (951) 676–8832, Pacific Region.
MISSION (*SEE* DIEGUENO)	Veijas (Baron Long) Band of Mission Indian, Program Director, Kumeyaay Family Services, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine California 91903, phone: (619) 445–1188, Pacific Region.
MIWOK (*SEE* ME-WOK)	Auburn Rancheria, Chairperson, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, California 95603, phone: (916) 663–3720, Pacific Region.
MIWOK (*SEE* ME-WOK)	Buena Vista Rancheria of Me-Wuik Indians, Penny Arciniaga, P.O. Box 162283, Sacramento, California 95816, phone: (916) 491–0011, Pacific Region.
MIWOK (*SEE* ME-WOK)	California Valley Miwok Tribe, Rashel Reznor, ICWA Director, 10601 Escondido Place, Stockton, California 95212, phone: (209) 931–4567, Pacific Region.
MIWOK (*SEE* ME-WOK)	Chicken Ranch Rancheria, Chairperson, P.O. Box 1159, Jamestown, California 95327, phone: (209) 984–4806, Pacific Region.
MIWOK (*SEE* ME-WOK)	Enterprise Rancheria, Chairperson, 3690 Olive Highway, Oroville, California 95966, phone: (530) 532–9214, Pacific Region.
MIWOK (*SEE* ME-WOK)	Graton Rancheria, Michele Proter, ICWA Coordinator, 6400 Redwood Drive, Suite 300, Rohnert Park, California 94928, phone: (707) 566–2288 Ext: 115, Pacific Region.
MIWOK (*SEE* ME-WOK)	Ione Band of Miwok Indians, Tribal Administrator, P.O. Box 1190, Ione, California 95640, phone: (209) 274–6753, Pacific Region.
MIWOK (*SEE* ME-WOK)	Jackson Rancheria, ICWA Manager, P.O. Box 1090, Jackson, California 95642, phone: (209) 223–1935, Pacific Region.
MIWOK (*SEE* ME-WOK)	Shingle Springs Rancheria, ICWA Coordinator, P.O. Box 1340, Shingle Springs, California 95682, phone: (530) 698–1400, Pacific Region.
MIWOK (*SEE* ME-WOK/TOLOWA/YUROK)	Trinidad Rancheria, Chairperson, P.O. Box 630, Trinidad, California 95570, phone: (707) 677–0211, Pacific Region.
MIWOK (*SEE* ME-WOK)	Tuolumne Rancheria, ICWA Coordinator, P.O. Box 615, Tuolumne, California 95379, phone: (209) 928–3475, Pacific Region.
MODOC (*SEE* KLAMATH/YAHOOSKIN)	Klamath Tribe, Morris Blakey, ICWA Specialist, P.O. Box 436, Chiloquin, Oregon 97624, phone: (541) 783–2219, Northwest Region.
MODOC (*SEE* KLAMATH)	Modoc Tribe of Oklahoma, Bill Gene Follis, Chief, 515 G Southeast, Miami, Oklahoma 74354, phone: (918) 542–1190, Eastern Oklahoma Region.
MOHAWK (*SEE* IROQUOIS)	Saint Regis Band of Mohawk Indians, Rhonda Mitchell, ICWA Program Coordinator, 412 State, Route 37, Akwesasne, New York 13655, phone: (518) 358–4516, Eastern Region.
MOHEGAN	Mohegan Indian Tribe, Irene Miller, APRN, Director, Family Services, 5 Crow Hill Road, Uncasville, Connecticut 06382, phone: (860) 862–6236, Eastern Region.
MOHICAN (*SEE* MUNSEE)	Stockbridge-Munsee Community of Wisconsin, Natalie Young, ICWA Coordinator, N8476 M He Con Nuck Road, Bowler, Wisconsin 54416, phone: (715) 793–4580, Midwest Region.
MOJAVE (*SEE* CHEMEHUEVI/HOPI/COLORADO RIVER/NAVAJO).	Colorado River Indian Tribes, Daniel Eddy, Jr., Chairman, Route 1, Box 23–B, Parker, Arizona 85344, phone: (928) 669–9211, Western Region.
MOJAVE	Fort Mojave Indian Tribe, Attention: Social Services Director, 500 Merriman Avenue, Needles, California 92363, phone: (760) 629–3745, Western Region.
MONO	Big Sandy Rancheria, ICWA Worker, P.O. Box 337, Auberry, California 93602, phone: (559) 855–4003, Pacific Region.
MONO	Cold Spring Rancheria, ICWA Coordinator, P.O. Box 209, Tollhouse, California 93667, phone: (559) 855–5043, Pacific Region.
MONO	North Fork Rancheria, Tribal Chair, Elaine Fink, ICWA Department, P.O. Box 929, North Fork, California 93643, phone: (559) 877–2461, Pacific Region.
MONO (*SEE* YOKUT)	Tule River Reservation, ICWA Director, P.O. Box 589, Porterville, California 93258, phone: (559) 781–4271, Pacific Region.
MUCKLESHOOT	Muckleshoot Indian Tribe, Sharon Hamilton, ICWA Specialist, 39015 172nd Avenue, SE, Auburn, Washington 98092, phone: (253) 939–3311, Northwest Region.
MUNSEE (*SEE* MOHICAN)	Stockbridge-Munsee Community of Wisconsin, Natalie Young, ICWA Coordinator, N8476 M He Con Nuck Road, Bowler, Wisconsin 54416, phone: (715) 793–4580, Midwest Region.
NARRAGANSETT	Narragansett Indian Tribe, Wenoah Harris, Director, Child Advocate, Tribal Child and Family Services, 4375–B South County Trail, Charlestown, Rhode Island 02813, phone: (401) 491–9008, Eastern Region.

NAVAJO (*SEE* CHEMEHUEVI/HOPI/COLORADO RIVER/MOJAVE).	Colorado River Indian Tribes, Daniel Eddy, Jr., Chairman, Route 1, Box 23–B, Parker, Arizona 85344, phone: (928) 669–9211, Western Region.
NAVAJO	Navajo Nation, Rita Wilson, Acting Director, Navajo Children and Family Services (ICWA), P.O. Box 1930, Window Rock, Arizona 86515, phone: (928) 871–6832, Navajo Region.
NEZ PERCE	Nez Perce Tribe, Melissa Groseclose, ICWA Caseworker, P.O. Box 365, Lapwai, Idaho 83540, phone: (208) 843–2463, Northwest Region.
NISQUALLY	Nisqually Indian Community, Jim Phonias, ICWA Contact, 4820 She-Nah-Num Drive, SE, Olympia, Washington 98513, phone: (360) 456–5221, Northwest Region.
NOMLAKI (*SEE* WINTUN)	Cortina Rancheria, Chairperson, Elaine Patterson, P.O. Box 1630, Williams, California 95987, phone: (530) 473–3274, Pacific Region.
NOMLAKI (*SEE* WINTUN)	Paskenta Band of Nomlaki Indians, Ines Crosby, ICWA Coordinator, P.O. Box 398, Orland, California 95963, phone: (530) 865–2010, Pacific Region.
NOMLAKI (*SEE* PIT RIVER/POMO/WINTUN/WAILAKI/YUKI.	Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, California 95428, phone: (707) 983–8008, Pacific Region.
NOOKSACK	Nooksack Indian Tribe of Washington, Nooksack Indian Tribe Legal Department, P.O. Box 1575048, Mount Baker Highway, Deming, Washington 98244, phone: (360) 592–5176, Northwest Region.
ODAWA	Little Traverse Band of Odawa Indians, Inc., Gene Zeller [1], Bill Memberto [2], Prosecutor [1], Director, Family Services [2], 375 River Street, Manistee, Michigan 49660, phone: (213) 398–2242 [1], (231) 398–6728 [2], Midwest Region.
OJIBWE (*SEE* CHIPPEWA)	Bad River Band of the Lake Superior Tribe of Chippewa Indians, Catherine Blanchard, ICWA Coordinator, P.O. Box 55, Odanah, Wisconsin 54861, phone: (715) 682–7135, Midwest Region.
OJIBWE (*SEE* CHIPPEWA)	Leech Lake Band of Ojibwe, Rose Robinson, ICWA Coordinator, 115 Sixth Street NW, Suite E, Cass Lake, Minnesota 56633, phone: (218) 335–8270, Midwest Region.
OJIBWE (*SEE* CHIPPEWA)	Mille Lacs Reservation Business Committee, ICWA Coordinator, 43408 Oodana Drive, Onamia, Minnesota 56359, phone: (320) 532–4139, Midwest Region.
OJIBWE (*SEE* CHIPPEWA)	St. Croix Chippewa Indians of Wisconsin, Kathryn LaPointe, ICWA Director, 24663 Angeline Avenue, Webster, Wisconsin 54893, phone: (715) 349–2195, Midwest Region.
OMAHA	Omaha Tribe of Nebraska, Lois Harlan, ICWA Director, P.O. Box 369, Macy, Nebraska 68039, phone: (402) 837–5261, Great Plains Region.
ONEIDA	Oneida Tribe of Indians of Wisconsin, ICWA Program, P.O. Box 365, Oneida, Wisconsin 54155, phone: (920) 490–3700, Midwest Region.
ONEIDA (*SEE* IROQUOIS)	Oneida Indian Nation, Member Benefits, 577 Main Street, Oneida, New York 13421, phone: (315) 829–8335, Eastern Region.
ONEIDA (*SEE* IROQUOIS)	Onondaga Nation, Council of Chiefs, P.O. Box 85, Nedrow, New York 13120, phone: (315) 469–1875, Eastern Region.
OSAGE	Osage Tribe, Jim Roan Gray, Principal Chief, P.O. Box 779, Pawhuska, Oklahoma 74056, phone: (918) 287–5432, Eastern Oklahoma Region.
OTOE	Otoe-Missouria Indian Tribe of Oklahoma, Chairperson, 8151 Highway 177, Red Rock, Oklahoma 74651, phone: (580) 723–4466, Southern Plains Region.
OTTAWA (*SEE* CHIPPEWA/PESHAWBESTOWN).	Grand Traverse Band of Ottawa and Chippewa Indians, Ms. Sonya Zotigh, Tribal Manager, 2605 N. West Bayshore Drive, Peshawbestown, Michigan 49682, phone: (231) 534–7136, Midwest Region.
OTTAWA	Little River Band of Ottawa Indians, Inc., Gene Zeller/Bill Memberto, Prosecutor/Director, Family Services, 375 River Street, Manistee, Michigan 49660, phone: (213) 398–2242/(231) 398–6728, Midwest Region.
OTTAWA	Ottawa Tribe of Oklahoma, Charles Todd, Chief, P.O. Box 110, Miami, Oklahoma 74355, phone: (918) 540–1536, Eastern Oklahoma Region.
PAIUTE (*SEE* SHOSHONE)	Big Pine Paiute Tribe, Chairperson, P.O. Box 700, Big Pine, California 93513, phone: (760) 938–2003, Pacific Region.
PAIUTE (*SEE* SHOSHONE)	Bishop Reservation, Attention: Michelle Cozad, 52 Tu Su Lane, Bishop, California 93514, phone: (760) 873–3584, Pacific Region.
PAIUTE	Bridgeport Indian Colony, Chairperson, P.O. Box 37, Bridgeport, California 93517, phone: (760) 932–7083, Pacific Region.
PAIUTE	Burns Paiute Tribe, Phyllis Harrington, ICWA Contact, H.C. 71—100 Pasigo Street, Burns, Oregon 97720, phone: (541) 573–7312, Northwest Region.
PAIUTE	Cedarville Rancheria, Chairperson, ICWA Director, 200 S. Howard Street, Alturas, California 96101, phone: (530) 223–3969, Pacific Region.
PAIUTE (*SEE* WARM SPRINGS/WASCO/WASHOE).	Confederated Tribes of Warm Springs Reservation, Warms Springs Tribal Court, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm Springs, Oregon 97761, Northwest Region.
PAIUTE (*SEE* SHOSHONE)	Fallon Paiute Shoshone Business Council, Youth & Family Services, 565 Rio Vista Drive, Fallon, Nevada 89406, phone: (775) 423–1215, Western Region.
PAIUTE	Fort Bidwell Reservation, Chairperson, P.O. Box 129, Fort Bidwell, California 96112, phone: (530) 279–6310, Pacific Region.
PAIUTE	Fort Independence Reservation, Secretary-Treasurer, P.O. Box 67, Independence, California 93526, phone: (760) 878–2150, Pacific Region.
PAIUTE (*SEE* SHOSHONE)	Fort McDermitt Paiute-Shoshone Tribe, Ms. Karen M. Crutcher, Chairperson, P.O. Box 457, McDermitt, Nevada 89421, phone: (775) 532–8259, Western Region.
PAIUTE	Kaibab Band of Paiute Indians, Director, Social Services Program, HC 65- Box 2, Pipe Spring, Arizona 86022, phone: (928) 643–6010, Western Region.
PAIUTE	Las Vegas Paiute Tribe, ICWA Director, One Paiute Drive, Las Vegas, Nevada 89106, phone: (702) 382–0784, Western Region.
PAIUTE (*SEE* SHOSHONE)	Lone Pine Paiute Shoshone Reservation, Chairperson, P.O. Box 747, Lone Pine, California 96545, phone: (760) 876–1034, Pacific Region.

PAIUTE	Lovelock Paiute Tribal Council, Attention: Indian Child Welfare Coordinator, P.O. Box 878, Lovelock, Nevada 89419, phone: (775) 273–7861, Western Region.
PAIUTE	Moapa Band of Paiutes, Chairman, P.O. Box 340, Moapa, Nevada 89025, phone: (702) 865–2787, Western Region.
PAIUTE	Paiute Indian Tribe of Utah, Attendtion: ICWA Caseworker, 440 North Paiute Drive, Cedar City, Utah 84720, phone: (435) 586–1112, Western Region.
PAIUTE	Pyramid Lake Paiute Tribe, Chairperson, P.O. Box 256, Nixon, Nevada 89424, phone: (775) 574–1000, Western Region.
PAIUTE (*SEE* SHOSHONE/WASHOE)	Reno-Sparks Indian Colony, Attention: Director of Social Services, 98 Colony Road, Reno, Nevada 89502, phone: (775) 329–5071, Western Region.
PAIUTE	San Juan Southern Paiute Tribe, Tribal Enrollment Officer, Health and Human Services, P.O. Box 1169, Tuba City, Arizona 86045, phone: (928) 283–4587, Western Region.
PAIUTE (*SEE* SHOSHONE)	Shoshone-Paiute Tribes of the Duck Valley Reservation, Chairman, P.O. Box 219, Owyhee, Nevada 89832, phone: (208) 759–3100, Western Region.
PAIUTE	Summit Lake Paiute Tribe, Attention: Tribal Chairperson, 653 Anderson Street, Winnemucca, Nevada 89445, (775) 623–5151, Western Region.
PAIUTE (*SEE* MAIDU/PIT RIVER)	Susanville Indian Rancheria, Chairperson, ICWA Director, 745 Joquin Street, Susanville, California 96130, phone: (530) 251–5205, Pacific Region.
PAIUTE (*SEE* SHOSHONE)	Timbi-sha Shoshone Tribe, ICWA Representative, 785 North Main Street, Suite Q, Bishop, California 93514, phone: (760) 873–9003, Pacific Region.
PAIUTE	Utu Utu Gwaitu Paiute Tribe of the Benton Reservation, Tribal Administrator, 567 Yellow Jacket Road, Benton, California 93512, phone: (760) 933–2321, Pacific Region.
PAIUTE	Walker River Paiute Tribe, ICWA Specialist, P.O. Box 146, Schurz, Nevada 89427, phone: (775) 773–2058/2541, Western Region.
PAIUTE (*SEE* SHOSHONE)	Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446, Western Region.
PAPAGO	Ak-Chin Indian Community, Enrollment Specialist, 42507 West Peters & Nall Road, Maricopa, Arizona 85239, phone: (520) 568–1023, Western Region.
PAPAGO (*SEE* TOHONO O'ODHAM)	Tohono O'Odham Nation, Office of Attorney General, P.O. Box 830, Sells, Arizona 85634, phone: (520) 383–3410, Western Region.
PASSAMAQUODDY	Passamaquaddy Tribe of Maine-Indian Township Reservation, Anne Bergin, Child Welfare Coordinator, P.O. Box 97, Princeton, Maine 04668, phone: (207) 796–2311, Eastern Region.
PASSAMAQUODDY	Passamaquaddy Tribe of Maine-Pleasant Point Reservation, Molly Newell, Child Welfare Director, P.O. Box 343, Perry, Maine 04667, phone: (207) 853–2600, Eastern Region.
PAWNEE	Pawnee Tribe of Oklahoma, President, P.O. Box 470, Pawnee, Oklahoma 74058, phone: (918) 762–3621, Southern Plains Region.
PENOBSCOT	Penobscot Indian Nation of Maine, Janet Lola, Protective Services Specialist, Department of Human Services, 9 Sarah's Spring Road, Indian Island, Maine 04468, phone: (207) 817–7492 Ext: 7492, Eastern Region.
PEORIA	Peoria Tribe of Indians of Oklahoma, John Berrey, Chairperson, P.O. Box 765, Quapaw, Oklahoma 74363, phone: (918) 542–1853, Eastern Oklahoma Region.
PEQUOT	Mashantucket Pequot Tribal Nation, Valerie Burgess, Child Protective Services, P.O. Box 3313, Mashantucket, Connecticut 06338, phone: (860) 396–2007, Eastern Region.
PESHAWBESTOWN (*SEE* CHIPPEWA/OTTAWA).	Grand Traverse Band of Ottawa and Chippewa Indians, Ms. Sonya Zotigh, Tribal Manager, 2605 N. West Bayshore Drive, Peshawbestown, Michigan 49682, phone: (231) 534–7136, Midwest Region.
PIMA (*SEE* MARICOPA)	Gila River Pima-Maricopa Indian Community, Attention: Tribal Social Service Director, P.O. Box 97, Sacaton, Arizona 85247, phone: (520) 562–3711 Ext: 233, Western Region.
PIMA (*SEE* MARICOPA)	Salt River Pima-Maricopa Indian Community, Office of the General Counsel or Social Services Division, Child Protective Services, 10,005 East Osborn Road, Scottsdale, Arizona 85256, phone: (480) 850–4130, Western Region.
PIT RIVER	Alturas Rancheria, Chairman, P.O. Box 340, Alturas, California 96101, phone: (530) 233–5571, Pacific Region.
PIT RIVER	Pit River Reservation, ICWA Director, 37718 Main Street, Burney, California 96013, phone: (530) 335–5421/(866) 335–5530, Pacific Region.
PIT RIVER (*SEE* WINTUN/YANA)	Redding Rancheria, Director, Social Services, 2000 Rancheria Road, Redding, California 96001–5528, phone: (530) 225–8979, Pacific Region.
PIT RIVER (*SEE* NOMLAKI/POMO/WAILAKI, WINTUN/YUKI).	Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, California 95428, phone: (707) 983–8008, Pacific Region.
PIT RIVER (*SEE* MAIDU/PAIUTE)	Susanville Indian Rancheria, Chairperson, ICWA Director, 745 Joquin Street, Susanville, California 96130, phone: (530) 251–5205, Pacific Region.
POMO	Big Valley Band of Pomo Indians, Cynthia Jefferson, ICWA Coordinator, 2726 Mission Rancheria Road, Lakeport, California 95453, phone: (707) 263–3924, Pacific Region.
POMO	Cloverdale Rancheria, Marcellena Becerra, ICWA Coordinator, 55 S. Cloverdale Blvd., Suite A, Cloverdale, California 95425, phone: (707) 894–5775, Pacific Region.
POMO	Coyote Valley Band of Pomo Indians, Lorraine Laiwa, ICWA Coordinator, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, Pacific Region.
POMO	Dry Creek Rancheria, Support Services Department, Percy Tejada, P.O. Box 607, Geyserville, California 95441, phone: (707) 473–2144, Pacific Region.
POMO	Elem Indian Colony, ICWA Advocate, P.O. Box 757, Clearlake Oaks, California 95423, phone: (707) 998–3003, Pacific Region.
POMO (*SEE* ME-WUK/MIWOK)	Graton Rancheria, Michele Proter, ICWA Coordinator, 6400 Redwood Drive, Suite 300, Rohnert Park, California 94928, phone: (707) 566–2288 Ext: 115, Pacific Region.
POMO	Guidiville Rancheria, Chairperson, P.O. Box 339, Talmage, California 95481, phone: (707) 462–3682, Pacific Region.
POMO	Habematolel Pomo of Upper Lake Rancheria, Angelina Arroyo, ICWA Advocate, P.O. Box 516, Upper lake, California 95485, phone: (707) 275–0737, Pacific Region.

POMO	Hopland Reservation, Attention: Tribal Chair, 3000 Shanel Road, Hopland, California 95449, phone: (707) 744–1647 Ext: 1105, Pacific Region.
POMO	Laytonville Rancheria, ICWA Director, P.O. Box 1239, Laytonville, California 95454, phone: (707) 984–6197, Pacific Region.
POMO	Lower Lake Rancheria, Chairperson, P.O. Box 3162, Santa Rosa, California 95402, phone: (707) 575–5586, Pacific Region.
POMO	Lytton Rancheria, Margie Mejia, Chairwoman, 1300 N. Dutton Avenue, Suite A, Santa Rosa, California 95401–3515, phone: (707) 575–5917, Pacific Region.
POMO	Machester-Point Arena Rancheria, Christine Dukatz and Lisa Bechtol, P.O. Box 623, Point Arena, California 95468, phone: (707) 882–2788, Pacific Region.
POMO	Middletown Rancheria, ICWA Director, P.O. Box 1829, Middletown, California 65461, phone: (707) 987–8288, Pacific Region.
POMO	Pinoleville Reservation, Chairperson, 500B Pinoleville Drive, Ukiah, California 95482, phone: (707) 463–1454, Pacific Region.
POMO	Potter Valley Rancheria, Lorrain Laiwa, ICWA Coordinator, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, phone: (707) 463–2644, Pacific Region.
POMO	Redwood Valley Rancheria, Mary Nevarez, ICWA Coordinator, 3250 Road I, Redwood Valley, California 95470, phone: (707) 485–0361, Pacific Region.
POMO	Robinson Rancheria, Marsha Lee, ICWA Coordinator, P.O. Box 562, Nice, California 95464, phone: (707) 275–9363, Pacific Region.
POMO (*SEE* NOMLAKI/PIT RIVER/WAILAKI/WINTUN/YUKI).	Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, California 95428, phone: (707) 983–8008, Pacific Region.
POMO (*SEE* WAILAKI)	Scotts Valley Rancheria, Sharon Warner, ICWA Coordinator, 301 Industrial Avenue, Lakeport, California 95453, phone: (707) 263–4220, Pacific Region.
POMO (*SEE* WAILAKI)	Sherwood Valley Rancheria, Lorraine Laiwa, ICWA Coordinator, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, phone: (707) 463–2644, Pacific Region.
POMO (*SEE* KASHIA)	Stewards Point Rancheria, Lorraine Laiwa, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, phone: (707) 463–2644, Pacific Region.
PONCA	Ponca Tribe of Nebraska, Attention: Director, Social Services, Ponca Tribe of Nebraska, 1800 Syracuse Avenue, Norfolk, Nebraska 68701, phone: (402) 371–8834, Great Plains Region.
PONCA	Ponca Tribe of Oklahoma, Chairperson, 20 White Eagle Drive, Ponca City, Oklahoma 74601, phone: (580) 762–8104, Southern Plains Region.
POTAWATOMI	Citizen Potawatomi Nation, Chairperson, 1601 S. Gordon Copper Drive, Shawnee, Oklahoma 74801, phone: (405) 275–3121, Southern Plains Region.
POTAWATOMI	Forest County Potawatomi Community of Wisconsin, Karen Ackley, ICWA Coordinator, P.O. Box 340, Crandon, Wisconsin 54520, phone: (715) 478–7329, Midwest Region.
POTAWATOMI (*SEE* CHIPPEWA)	Hannahville Indian Community of Michigan, ICWA Worker, N14911 Hannahville B1 Road, Wilson, Michigan 49896–9728, phone: (906) 466–9320, Midwest Region.
POTAWATOMI (*SEE* CHIPPEWA)	Huron Potawatomi, Inc., Nancy Smit, ICWA Worker (MSW Social Worker), 4415 Byron Center Avenue, SW, Wyoming, Michigan 49509, phone: (616) 249–0159, Midwest Region.
POTAWATOMI	Match-E-Be-Nash-She-Wish Band of Potawatomi Indians of Michigan, Leslie Pigeon, ICWA Coordinator, P.O. Box 306, 1743 142nd Avenue, Suite 8, Dorr, Michigan 49323, phone: (616) 681–0360, Midwest Region.
POTAWATOMI	Pokagon Band of Potawatomi, Kathleen McKee, TSS Director, 58620 Sink Road, Dowagiac, Michigan 49047, phone: (269) 782–4300, Midwest Region.
POTAWATOMI	Prairie Band of Potawatomi Nation, Chairperson, 16281 Q. Road, Mayetta, Kansas 66509, phone: (785) 966–2255, Southern Plains Region.
PUEBLO	Pueblo of Acoma, Jennifer Valdo, Acting ICWA Social Worker, P.O. Box 309, Acoma, New Mexico, phone: (505) 552–5163, Southwest Region.
PUEBLO	Pueblo of Cochito, Joy Bird, ICWA Director, P.O. Box 70, Isleta, New Mexico 87022, phone: (505) 465–2244, Southwest Region.
PUEBLO (*SEE* TIGUA)	Pueblo of Isleta, Caroline Dailey, Acting ICWA Director, P.O. Box 1270, Isleta, New Mexico 87022, phone: (505) 869- 2772, Southwest Region.
PUEBLO	Pueblo of Jemez, Hernrietta Gachupin, Social Services Program, P.O. Box 340, Jemez, New Mexico 87024, phone: (505) 834–7117, Southwest Region.
PUEBLO	Pueblo of Laguna, Ramona Carrillo, Social Services Director, P.O. Box 194, Laguna, New Mexico 87026, phone: (505) 552–9712, Southwest Region.
PUEBLO	Pueblo of Nambe, Venus Montoya-Felter, ICWA Coordinator, P.O. Box 177–BB, Santa Fe, New Mexico 87506, phone: (505) 455–2036 Ext 112, Southwest Region.
PUEBLO	Pueblo of Picuris, Terrance Snake, ICWA Coordinator, P.O. Box 127, Penasco, New Mexico 87553, phone: (505) 587–1003/2519, Southwest Region.
PUEBLO	Pueblo of Pojoaque, Carmen Chavez-Lujan, Director of Social Services, 58 Cities of Gold Road, Suite 4, Sante Fe, New Mexico 87506, phone: (505) 455–0238, Southwest Region.
PUEBLO	Pueblo of San Felipe, Darlene Valencia, Family Services Program Director, P.O. Box 4350, San Felipe Pueblo, New Mexico 87004, phone: (505) 867–9740, Southwest Regoin
PUEBLO	Pueblo of San Ildelfonso, William Christian, Contracts Administrator, Route 5, P.O. Box 315–A, Santa Fe, New Mexico 87506, phone: (505) 455–2273 Ext 310, Southwest Region.
PUEBLO	Pueblo of San Juan, Chenoa Seaboy, ICWA Coordinator, P.O. Box 1187, San Juan Pueblo, New Mexico 87566, phone: (505) 852–4400, Southwest Region.
PUEBLO	Pueblo of Sandia, Ms. Lupita Avila, ICWA Program, P.O. Box 6008, Bernalillo, New Mexico 87004, phone: (505) 771–5133, Southwest Region.
PUEBLO	Pueblo of Santa Ana, Jane Jacksonbear, Director of Social Services, 2 Dove Road, Bernalillo, New Mexico 87004, phone: (505) 867–3301, Southwest Region.

PUEBLO	Pueblo of Santa Clara, Joe Naranjo, Tribal Administrator, P.O. Box 580, Espanola, New Mexico 87532, phone: (505) 747–7326, Southwest Region.
PUEBLO	Pueblo of Santa Domingo, Arthur Lucero, ICWA Worker, P.O. Box 129, Santo Domingo Pueblo, New Mexico 87052, phone: (505) 465–0630, Southwest Region.
PUEBLO	Pueblo of Taos, Macine Nakai, Division Director, P.O. Box 1846, Taos, New Mexico 87571, phone: (505) 758–7824, Southwest Region.
PUEBLO	Pueblo of Tesuque, Debbie Salazar, ICWA Coordinator, Route 42, Box 360–T, Santa Fe, New Mexico 87506, phone: (505) 955–7739, Southwest Region.
PUEBLO	Pueblo of Zia, Eileen Gachupin/Mark Medina, ICWA Director/ICWA Coordinator, 135 Capital Square Drive, Zia Pueblo, New Mexico 87053, phone: (505) 867–3304 Ext. 241, Southwest Region.
PUEBLO	Pueblo of Zuni, Denise Sanchez, Family Preservation Worker, P.O. Box 339, Zuni, New Mexico 87327, phone: (505) 782–7166, Southwest Region.
PUEBLO	Ysleta Del Sur Pueblo, Elizabeth Acosta, ICWA Family Case Worker, 119 South Old Pueblo Road, Ysleta Station, El Paso, Texas 79907, phone: (915) 859–7913 Ext 151, Southwest Region.
PUYALLUP	Puyallup Tribe, Sandra Cooper, ICWA Liaison, 1850 Alexander Avenue, Tacoma, Washington 98421, phone: (253) 573–7827, Northwest Region.
QUAPAW	Quapaw Tribe of Oklahoma, John Berrey, Chairperson, P.O. Box 765, Quapaw, Oklahoma 74363, phone: (918) 542–1853, Eastern Oklahoma Region.
QUECHAN	Quechan Tribal Council, President, P.O. Box 1899, Yuma Arizona 85366–1899, phone: (760) 572–0213, Western Region.
QUILEUTE	Quileute Tribal Council, Margret Ward, ICWA Contact, P.O. Box 279, LaPush, Washington 98350–0279, phone: (360) 374–4325, Northwest Region.
QUINAULT	Quinault Indian Nation Business Committee, Clara Hall, ICWA Contact, P.O. Box 189, Taholah, Washington 98587–0189, phone: (360) 276–8211 Ext. 240, Northwest Region.
SAC & FOX	Sac & Fox Tribe of the Mississippi in Iowa, ICWA Coordinator, P.O. Box 245, Tama, Iowa 52339, phone: (641) 484–4444/(877) 484–4444, Eastern Region.
SAC & FOX	Sac & Fox of Missouri in Kansas, Chairperson, 305 N. Main Street, Reserve, Kansas 66434, phone: (785) 742–7471, Southern Plains Region.
SAC & FOX	Sac & Fox Nation of Oklahoma, Principal Chief, Route 2, Box 246, Stroud, Oklahoma 74079, phone: (918) 968–3526, Southern Plains Region.
SALISH (*SEE* FLATHEAD/KOOTENAI)	Confederated Salish & Kootenai Tribes, Beverly Swaney, ICWA Contact, Box 278, Pablo, Montana 59855, phone: (406) 675–2700, Pacific Region.
SAMISH	Samish Indian Tribe of Washington, Keeley Titus, ICWA Specialist, P.O. Box 217, Anacortes, Washington 98221, phone: (360) 293–6404, Northwest Region.
SAUK–SUIATTLE	Sauk-Suiattle Indian Tribe of Washington, Eldora Poitra, ICWA Director, 5318 Chief Brown Lane, Darrington, Washington 98241, phone: (360) 436–1400, Northwest Region.
SEMINOLE	Seminole Tribe of Florida, Kristi Hill, Family Preservation Administrator, 3006 Josie Billie Avenue, Hollywood, Florida 33024, phone: (954) 965–1314 Ext. 10371, Eastern Region.
SEMINOLE	Seminole Nation of Oklahoma, Enoch Kelly Haney, Principal Chief, P.O. Box 1498, Wewoka, Oklahoma 74884, phone: (405) 257–6287, Eastern Oklahoma Region.
SENECA (*SEE* CAYUGA/IROQUOIS)	Cayuga Nation of New York, Anita Thompson, Child Welfare Worker, P.O. Box 11, Versailles, New York 14168, phone: (716) 337–4270, Eastern Region.
SENECA (*SEE* CAYUGA)	Seneca-Cayuga Nation of Oklahoma, Paul Spicer, Principal Chief, P.O. Box 1283, Miami, Oklahoma 74355, phone: (918) 542–6609, Eastern Oklahoma Region.
SENECA (*SEE* IROQUOIS)	Seneca Nation of Indians, Tracy Pacini, Program Coordinator, Child and Family Services, P.O. Box 500, Salamanca, New York 14799, phone: (716) 945–5894 Ext: 3233, Eastern Region.
SENECA (*SEE* IROQUOIS/TONAWANDA)	Tonawanda Band of Seneca, Council of Chiefs, 7027 Meadville Road, Basom, New York 14013, phone: (716) 542–4244, Eastern Region.
SENECA (*SEE* IROQUOIS)	Seneca Nation of Indians, Tracy Pacini, Program Coordinator, Child and Family Services, P.O. Box 500, Salamanca, New York 14799, phone: (716) 945–5894 Ext: 3233, Eastern Region.
SERRANO	San Manuel Band of Mission Indians, Tribal Secretary, P.O. Box 266, Patton, California 92369, phone: (909) 864–8933, Pacific Region.
SHASTA (*SEE* GRAND RONDE/SILETZ)	Confederated Tribes of the Grande Ronde Community of Oregon, Dana Ainma, ICWA Contact, 9615 Grand Ronde Road, Grand Ronde, Oregon 97347–0038, phone: (503) 879–2034, Northwest Region.
SHASTA (*SEE* KARUK)	Quartz Valley Indian Reservation, ICWA Director, 13601 Quartz valley Road, Fort Jones, California 96032, phone: (530) 468–5729, Pacific Region.
SHAWNEE	Absentee Shawnee Tribe of Oklahoma Indians, Governor, 2025 S. Gordon Cooper Drive, Shawnee, Oklahoma 74801, phone: (405) 275–4030, Southern Plains Region.
SHAWNEE	Eastern Shawnee Tribe of Oklahoma, Charles D. Enyart, Chief, P.O. Box 350, Seneca, Missouri 64865, phone: (918) 666–2435, Eastern Oklahoma Region.
SHOALWATER	Shoalwater Bay Tribal Council, Katherine Horne, ICWA Contact, P.O. Box 130, Tokeland, Washington 98590, phone: (360) 267–6766, Northwest Region.
SHOSHONE	Battle Mountain Band Council, ICWA Coordinator, 37 Mountain View Drive, Battle Mountain, Nevada 89820, phone: (775) 635–9189 Ext. 109, Western Region.
SHOSHONE (*SEE* PAIUTE)	Big Pine Paiute Tribe, Chairperson, P.O. Box 700, Big Pine, California 93513, phone: (760) 938–2003, Pacific Region.
SHOSHONE (*SEE* PAIUTE)	Bishop Reservation, Attention: Michelle Cozad, 52 Tu Su Lane, Bishop, California 93514, phone: (760) 873–3584, Pacific Region.
SHOSHONE	Duckwater Shoshone Tribal Council, Health Department Manager, P.O. Box 140068, Duckwater, Nevada 89314, phone: (775) 863–0227, Western Region.
SHOSHONE	Eastern Shoshone Tribe of the Wind River Reservation, Chairman, P.O. Box 217, Fort Washakie, Wyoming 82514, phone: (307) 332–3040, Rocky Mountain Region.

SHOSHONE	Elko Band Council, Lillian Garcia/Darby Adams, ICWA Coordinator/Social Services Director, 1745 Silver Eagle Drive, Elko, Nevada 89801, phone: (775) 738–8889, Western Region.
SHOSHONE	Ely Shoshone Tribal Council, Social Services Director, 400–B Newe View, Ely, Nevada 89301, (775) 289–3013, Western Region.
SHOSHONE (*SEE* PAIUTE)	Fallon Paiute Shoshone Business Council, Youth & Family Services, 565 Rio Vista Drive, Fallon, Nevada 89406, phone: (775) 423–1215, Western Region.
SHOSHONE (*SEE* PAIUTE)	Fort McDermitt Paiute-Shoshone Tribe, Ms. Karen M. Crutcher, Chairperson, P.O. Box 457, McDermitt, Nevada 89421, phone: (775) 532–8259, Western Region.
SHOSHONE (*SEE* PAIUTE)	Lone Pine Paiute Shoshone Reservation, Chairperson, P.O. Box 747, Lone Pine, California 96545, phone: (760) 876–1034, Pacific Region.
SHOSHONE (*SEE* PAIUTE)	Northwestern Band of Shoshoni Nation, Lawrence Honena, ICWA Contact, 427 North Main, Suite 101, Pocatello, Idaho 83204, phone: (208) 478–5712, Northwest Region.
SHOSHONE (*SEE* PAIUTE/WASHOE)	Reno-Sparks Indian Colony, Attention: Director of Social Services, 98 Colony Road, Reno, Nevada 89502, phone: (775) 329–5071, Western Region.
SHOSHONE (*SEE* SHOSHONE–BANNOCK)	Shoshone Bannock Tribes of the Fort Hall Reservation, Fort Hall Business Council, ICWA C/O Tribal Attorney, P.O. Box 306, Fort Hall, Idaho 83203, phone: (208) 478–3923, Northwest Region.
SHOSHONE (*SEE* PAIUTE)	Shoshone-Paiute Tribes of the Duck Valley Reservation, Chairman, P.O. Box 219, Owyhee, Nevada 89832, phone: (208) 759–3100, Western Region.
SHOSHONE	South Fork Band Council, Karen McDade, Director, Social Services Program, 21 Lee, B13, Spring Creek, Nevada 89815, phone: (775) 744–2412, Western Region.
SHOSHONE	Te-Moak Tribe of Western Shoshone Indians, Chairman, 525 Sunset Street, Elko, Nevada 89801, Western Region.
SHOSHONE (*SEE* PAIUTE)	Timbi-sha Shoshone Tribe, ICWA Representative, 785 North Main Street, Suite Q, Bishop, California 93514, phone: (760) 873–9003, Pacific Region.
SHOSHONE	Wells Indian Colony Band Council, Chairman, P.O. Box 809, Wells, Nevada 89835, phone: (775) 752–3045, Western Region.
SHOSHONE (*SEE* PAIUTE)	Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446, Western Region.
SHOSHONE (*SEE* YOMBA)	Yomba Shoshone Tribe, Chairman, HC 61 Box 6275, Austin, Nevada 89310–9301, phone: (775) 964–2463, Western Region.
SHOSHONE–BANNOCK (*SEE* SHOSHONE)	Shoshone Bannock Tribes of the Fort Hall Reservation, Fort Hall Business Council, ICWA C/O Tribal Attorney, P.O. Box 306, Fort Hall, Idaho 83203, phone: (208) 478–3923, Northwest Region.
SILETZ, (*SEE* GRAND RONDE/SHASTA)	Confederated Tribes of the Grande Ronde Community of Oregon, Dana Ainma, ICWA Contact, 9615 Grand Ronde Road, Grand Ronde, Oregon 97347–0038, phone: (503) 879–2034, Northwest Region.
SILETZ	Siletz Tribal Council, Nancy McCrary, ICWA Manager, P.O. Box 549, Siletz, Oregon 97380–0549, phone: (541) 444–2532, Northwest Region.
SIOUX (*SEE* ASSINIBOINE)	Assiniboine and Sioux Tribes, Chairman, Fort Beck Indian Reservation, P.O. Box 1027, Popular, Montana 59255, phone: (406) 768–5155, Rocky Mountain Region.
SIOUX	Cheyenne River Sioux Tribe, Dianne Garreaux, ICWA Director, Cheyenne River Sioux Tribe, P.O. Box 747, Eagle Butte, South Dakota 57625, phone: (605) 964–6460, Great Plains Region.
SIOUX	Crow Creek River Sioux Tribe, Dave Valandra, ICWA Specialist, Crow Creek River Sioux Tribe, P.O. Box 139, Fort Thompson, South Dakota 57339, phone: (605) 245–2322, Great Plains Region.
SIOUX	Flandreau Santee Sioux Tribe, Celeste Honomichl, Family Services Specialist, Flandreau Santee Sioux Tribal Social Services, 104 West Ross Avenue, Flandreau, South Dakota 57028, phone: (605) 997–5055, Great Plains Region.
SIOUX	Lower Brule Sioux Tribe, Rose McCauley, ICWA Director, Lower Brule Sioux Tribe, P.O. Box 122, Lower Brule, South Dakota 57548, phone: (605) 473–5528, Great Plains Region.
SIOUX	Lower Sioux Indian Community of Minnesota, Ronald P. Leith, Director, TSS, 39527 Res Highway 1 (P.O. Box 308), Morton, Minnesota 56270–0308, phone: (507) 697–9108, Midwest Region.
SIOUX	Oglala Sioux Tribe, Juanita Sherick, ICWA Administrator, Oglala Sioux Tribe—ONTRAC, P.O. Box 2080, Pine Ridge, South Dakota 57770, phone: (605) 867–5807, Great Plains Region.
SIOUX	Prairie Island Indian Community Mdewakanton Dakota Sioux of Minnesota, ICWA Coordinator, 5636 Sturgeon Lake Road, Welch, Minnesota 55089, phone: (651) 385–4185, Midwest Region.
SIOUX	Rosebud Sioux Tribe, Shirley Big Eagle, ICWA Specialist, Rosebud Sioux Tribe ICWA Program, P.O. Box 609, Mission, South Dakota 57555, phone: (605) 856–5270, Great Plains Region.
SIOUX	Santee Sioux Nation, Jerry Denney, ICWA Specialist, Santee Sioux Nation, Dakota Tiwahe Service Unit, Route 2, Box 5191, Niobrara, Nebraska 68760, phone: (402) 857–2342, Great Plains Region.
SIOUX	Shakopee Mdewakanton Sioux Community, Kim Goetzinger, TSS Director, 2330 Sioux Trail NW, Prior Lake, Minnesota 55372, phone: (952) 445–6165, Midwest Region.
SIOUX	Sisseton-Wahpeton Sioux Tribe, Evelyn Pilcher, ICWA Director, Sisseton-Wahpeton Sioux Tribe, P.O. Box 509, Agency Village, South Dakota 57262, phone: (605) 698–3993, Great Plains Region.
SIOUX	Spirit Lake Sioux Tribe, Jean Robertson, LSW, ICWA Director, Spirit Lake Sioux Tribe, P.O. Box 356, Fort Totten, North Dakota 58335, phone: (701) 766–4855, Great Plains Region.
SIOUX	Standing Rock Sioux Tribe of North & South Dakota, Beverly Iron Shield, ICWA Director, Standing Rock Sioux Tribe, P.O. Box 526, Fort Yates, North Dakota 58538, phone: (701) 854–3095, Great Plains Region.

SIOUX	Upper Sioux Community of Minnesota, Susan Campion, Manager, P.O. Box 147, Granite Falls, Minnesota 56241–0147, phone: (320) 564–2360, Midwest Region.
SIOUX	Yankton Sioux Tribe of South Dakota, Raymond Cournoyer, ICWA Director, Yankton Agency, P.O. Box 248, Marty, South Dakota 57361, phone: (605) 384–3641, Great Plains Region.
S'KLLALAM	Jamestown S'Kllalam Tribal Council, Liz Mueller, ICWA Specialist, 1033 Old Blyn Hwy, Squim, Washington 98382, phone: (360) 681–4628, Northwest Region.
S'KLLALAM	Lower Elwha Tribal Community Council, Patricia Elofson, ICWA Contact, 2851 Lower Elwha Road, Port Angeles, Washington 98363–9518, phone: (360) 452–8471, Northwest Region.
S'KLLALAM	Port Gamble Indian Community, Vickie Doyle, ICWA Contact, 31912 Little Boston Road, NE, Kingston, Washington 98346, phone: (360) 297–7623, Northwest Region.
SKOKOMISH	Skokomish Tribal Council, Kristin Hart/Terrie Remick, ICWA Contact, N. 80 Tribal Center Road, Shelton, Washington 98584–9748, phone: (360) 426–7788, Northwest Region.
SNOQUALMIE	Snoqualmie Tribe, Marie Ramirez, MSW, ICWA Contact, P.O. Box 280, Carnation, Washington 98014, phone: (425) 333–5425, Northwest Region.
SPOKANE	Spokane Tribe of Indians, Debbie Timentwa-Thomas, ICWA Contact, P.O. Box 540, Wellpinit, Washington 99040, phone: (509) 258–7502, Northwest Region.
SQUAXIN	Squaxin Island Tribal Council, Linda Charette, ICWA Contact, SE 70 Squaxin Lane, Shelton, Washington 98584–9200, phone: (360) 427–9006, Northwest Region.
STILLAGUAMISH	Stillaguamish Tribe of Washington, Gary Ramey, ICWA Contact, P.O. Box 277, Arlington, Washington 98223–0277, phone: (360) 652–7362, Northwest Region.
SUQUAMISH	Suquamish Tribe of the Port Madison Reservation, Dennis Deaton, ICWA Contact, P.O. Box 498, Suquamish, Washington 98392, phone: (360) 394–8478, Northwest Region.
SWINOMISH	Swinomish Indians, Tracy Parker, ICWA Contact, P.O. Box 388, La Conner, Washington 98257, phone: (360) 466–7222, Northwest Region.
TACHI (*SEE* YOKUT)	Santa Rosa Rancheria, Chairperson, P.O. Box 8, Lemoore, California 93245–0008, phone: (559) 924–1278 Ext. 4019, Pacific Region.
THREE AFFILIATED TRIBES (*SEE* ARIKARA/HIDATSA/MANDAN).	Three Affiliated Tribes, Katherine Felix, ICWA Representative, Three Affiliated Tribes, 404 Frontage Road, New Town, North Dakota 58763, phone: (701) 627–4781, Great Plains Region.
TIGUA (*SEE* PUEBLO)	Pueblo of Isleta, Caroline Dailey, Acting ICWA Director, P.O. Box 1270, Isleta, New Mexico 87022, phone: (505) 869- 2772, Southwest Region.
TOHONO' O'ODHAM (*SEE* PAPAGO)	Tohono O'Odham Nation, Office of Attorney General, P.O. Box 830, Sells, Arizona 85634, phone: (520) 383–3410, Western Region.
TOLOWA (*SEE* KARUK/YUROK)	Elk Valley Rancheria, Chairperson, 2332 Howland Hill Road, Crescent City, California 95531, phone: (707) 464–4680, Pacific Region.
TOLOWA	Smith River Rancheria, Elvira Rodriquez, ICWA Director, 140 Rowdy Creek Road, Smith River, California 95567–9446, phone: (707) 487–9255, Pacific Region.
TOLOWA (*SEE* ME-WOK/MIWOK/YUROK)	Trinidad Rancheria, Chairperson, P.O. Box 630, Trinidad, California 95570, phone: (707) 677–0211, Pacific Region.
TONAWANDA (*SEE* IROQUOIS/SENECA)	Tonawanda Band of Seneca, Council of Chiefs, 7027 Meadville Road, Basom, New York 14013, phone: (716) 542–4244, Eastern Region.
TONKAWA	Tonkawa Tribe of Oklahoma, President, P.O. Box 70, Tonkawa, Oklahoma 74653, phone: (580) 628–2561, Southern Plains Region.
TULALIP	Tulalip Tribe, Linda Jones, ICWA Contact, 6700 Totem Beach Road, Marysville, Washington 98271, phone: (360) 651–3290, Northwest Region.
TUNICA–BILOXI	Tunica-Biloxi Indian Tribe of Louisiana, Jean Allen-Wilson, LCSW, Assistant Social Service Director, P.O. Box 1589, Marksville, Louisiana 71351, phone: (318) 253–5100, Eastern Region.
TUSCARORA (*SEE* IROQUOIS)	Tuscarora Nation of New York, Supervisor, Community Health Worker, 2015 Mount Hope Road, Lewistown, New York 14092, phone: (716) 297–0598, Eastern Region.
UMATILLA	Confederated Tribes of the Umatilla Indian Reservation, Attorney General, Department of Justice, ICWA, P.O. Box 638, Pendleton, Oregon 97801, phone: (541) 966–2030, Northwest Region.
UMPQUA	Cow Creek Band of Umpqua Tribe of Indians, Rhonda Malone, ICWA Contact, 2371 NE Stephens, Suite 100, Roseburg, Oregon 97470–1338, phone: (541) 672–9405, Northwest Region.
UMPQUA & SIUSLAW	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians, Tom Long, ICWA Specialist, P.O. Box 3279, Coos Bay, Oregon 97420, phone: (541) 888–3012, Northwest Region.
UPPER SKAGIT	Upper Skagit Indian Tribe of Washington, Michelle Anderson-Kamato, ICWA Contact, 2284 Community Plaza Way, Sedro Woolley, Washington 98284, phone: (360) 856–4200, Northwest Region.
UTE	Southern Ute Indian Tribe, Jerri Sindelar, ICWA Worker, P.O. Box 737, Ignacio, Colorado 81137, phone: (970) 563–4738, Southwest Region.
UTE	Ute Indian Tribe, Floyd Wyasket, Social Service Director, Box 190, Fort Duschesne, Utah 84026, phone: (435) 725–4026, Western Region.
UTE	Ute Mountain Ute Tribe (Colorado & Utah), Carla Knight-Cantsee, Social Services Director, P.O. Box 309, Towaoc, Colorado 81334, phone: (970) 564–5307/5310, Southwest Region.
WAILAKI (*SEE* WINTUN)	Grindstone Rancheria, ICWA Coordinator, P.O. Box 63, Elk Creek, California 95939, phone: (530) 968–5365, Pacific Region.
WAILAKI (*SEE* NOMLAKI/PIT RIVER/POMO/WINTUN/YUKI).	Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, California 95428, phone: (707) 983–8008, Pacific Region.
WAILAKI (*SEE* POMO)	Scotts Valley Rancheria, Sharon Warner, ICWA Coordinator, 301 Industrial Avenue, Lakeport, California 95453, phone: (707) 263–4220, Pacific Region.
WAILAKI (*SEE* POMO)	Sherwood Valley Rancheria, Lorraine Laiwa, ICWA Coordinator, Indian Child & Family Preservation Program, 684 S. Orchard Avenue, Ukiah, California 95482, phone: (707) 463–2644, Pacific Region.

WAMPANOAG	Wampanoag Tribe of Gay Head (Aquinnah), Bonnie Chalifoux, Director, Department of Human Services, 20 Black Brook Road, Aquinnah, Massachusetts 02535, phone: (508) 645–9265, Eastern Region.
WARM SPRINGS (*SEE* PAIUTE/WASCO/WASHOE).	Confederated Tribes of Warm Springs Reservation, Warm Springs Tribal Court, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm Springs, Oregon 97761, Northwest Region.
WASCO (*SEE* PAIUTE/WARM SPRINGS/WASHOE).	Confederated Tribes of Warm Springs Reservation, Warm Springs Tribal Court, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm Springs, Oregon 97761, Northwest Region.
WASHOE (*SEE* PAIUTE/WARM SPRINGS/WASCO).	Confederated Tribes of Warm Springs Reservation, Warm Springs Tribal Court, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm Springs, Oregon 97761, Northwest Region.
WASHOE (*SEE* PAIUTE/SHOSHONE)	Reno-Sparks Indian Colony, Attention: Director of Social Services, 98 Colony Road, Reno, Nevada 89502, phone: (775) 329–5071, Western Region.
WASHOE	Washoe Tribe of Nevada and California, Social Services Director, 919 HWY, 395 South, Gardnerville, Nevada 89410, phone: (775) 883–1446, Northwest Region.
WICHITA	Witchita and Affiliated Tribe of Oklahoma, Indian Child Welfare, Coordinator, P.O. Box 729, Anadarko, Oklahoma 73005, phone: (405) 247–2425, Southern Plains Region.
WINNEBAGO (*SEE* HO-CHUNK)	The Ho-Chunk Nation, ICWA Coordinator, P.O. Box 40, Black River Falls, Wisconsin 54615, phone: (715) 284–2622, Midwest Region.
WINNEBAGO	Winnebago Tribe of Nebraska, Rita Snow, ICWA Specialist, ICWA Program, P.O. Box 771, Winnebago, Nebraska 68071, phone: (402) 878–2447, Great Plains Region.
WINTUN	Colusa Rancheria, Community Services Department, 3740 Highway 45, Colusa, California 95932, phone: (530) 458–8231, Pacific Region.
WINTUN (*SEE* NOMLAKI)	Cortina Rancheria, Chairperson, Elaine Patterson, P.O. Box 1630, Williams, California 95987, phone: (530) 473–3274, Pacific Region.
WINTUN (*SEE* WAILAKI)	Grindstone Rancheria, ICWA Coordinator, P.O. Box 63, Elk Creek, California 95939, phone: (530) 968–5365, Pacific Region.
WINTUN (*SEE* NOMLAKI)	Paskenta Band of Nomlaki Indians, Ines Crosby, ICWA Coordinator, P.O. Box 398, Orland, California 95963, phone: (530) 865–2010, Pacific Region.
WINTUN (*SEE* PIT RIVER/YANA)	Redding Rancheria, Director, Social Services, 2000 Rancheria Road, Redding, California 96001–5528, phone: (530) 225–8979, Pacific Region.
WINTUN (*SEE* PIT RIVER/POMO/WAILAKI/NOMLAKI/YUKI).	Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, California 95428, phone: (707) 983–8008, Pacific Region.
WINTUN	Rumsey Rancheria, Chairperson, P.O. Box 18, Cbrooks, California 95606, phone: (530) 796–3400, Pacific Region.
WIYOT	Bear River of Rhonerville Rancheria, Chairperson, 32 Bear River Drive, Loleta, California 95551, phone: (707) 773–1900, Pacific Region.
WIYOT (*SEE* HURON)	Blue Lake Rancheria, Chairperson, P.O. Box 428, Blue Lake, California 95525, phone: (707) 668–5101, Pacific Region.
WIYOT	Wiyot Tribe, Elsie McLaughlin-Feliz, Director, Social Services, 1000 Wiyot Drive, Loleta, California 95551, phone: (707) 733–5055, Pacific Region.
WYANDOTTE (*SEE* HURON)	Wyandotte Tribe of Oklahoma, Leaford Bearskin, Chief, P.O. Box 250, Wyandotte, Oklahoma 74370, phone: (918) 678–2297, Eastern Oklahoma Region.
YAHOOSKIN (*SEE* KLAMATH/MODOC)	Klamath Tribe, Morris Blakey, ICWA Specialist, P.O. Box 436, Chiloquin, Oregon 97624, phone: (541) 783–2219, Northwest Region.
YANA (*SEE* PIT RIVER/WINTUN)	Redding Rancheria, Director, Social Services, 2000 Rancheria Road, Redding, California 96001–5528, phone: (530) 225–8979, Pacific Region.
YAKAMA	Yakama Nation Program, Nak Nu We Sha ICWA, Attention: Ray E. Olney/Delores Armour, Program Director/Social Work Specialist, P.O. Box 151, Toppenish, Washington 98948–0151, phone: (509) 865–5121, Northwest Region.
YAQUI	Pascua Yaqui Tribe, Office of the Attorney General, Tamara Walters, Assistant Attorney General, 4725 West Calle Tetakusim, Bldg. B, Tucson, Arizona 85757, phone: (520) 883–5108, Western Region.
YAVAPAI	Fort McDowell Yavapai Tribe, Attention: CPS/ICWA Coordinator, Family and Community Services, P.O. Box 17779, Fountain Hills, Arizona 85269, phone: (480) 837–5076, Western Region.
YAVAPAI (*SEE* APACHE)	Yavapai-Apache Nation of the Camp Verde Indian Reservation, Frieda A. Eswonia, Director, ICWA Program, phone: 2400 Datsi Street, Camp Verde, Arizona 86322–8412, Western Region.
YAVAPAI	Yavapai-Prescott Indian Tribe, Attention: ICWA Director, 530 East Merritt Avenue, Prescott, Arizona 86301, phone: (928) 777–0532, Western Region.
YOKUT (*SEE* TACHI)	Santa Rosa Rancheria, Chairperson, P.O. Box 8, Lemoore, California 93245–0008, phone: (559) 924–1278 Ext. 4019, Pacific Region.
YOKUT	Table Mountain Rancheria, Chairperson, P.O. Box 410, Friant, California 93626–0410, phone: (559) 822–2587, Pacific Region.
YOKUT (*SEE* MONO)	Tule River Reservation, ICWA Director, P.O. Box 589, Porterville, California 93258, phone: (559) 781–4271, Pacific Region.
YOMBA (*SEE* SHOSHONE)	Yomba Shoshone Tribe, Chairman, HC 61 Box 6275, Austin, Nevada 89310–9301, phone: (775) 964–2463, Western Region.
YUKI (*SEE* PIT RIVER/POMO/NOMLAKI/WAILAKI/WINTUN).	Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, California 95428, phone: (707) 983–8008, Pacific Region.
YUROK	Big Lagoon Rancheria, Barbara Orr, Director, Two Feathers Native American Family Services, 2355 Central Avenue, Suite C, McKinleyville, California 95519, phone: (707) 839–1933, Pacific Region.

YUROK (*SEE* WIYOT)	Blue Lake Rancheria, Chairperson, P.O. Box 428, Blue Lake, California 95525, phone: (707) 668–5101, Pacific Region.
YUROK (*SEE* KARUK/TOLOWA)	Elk Valley Rancheria, Chairperson, 2332 Howland Hill Road, Crescent City, California 95531, phone: (707) 464–4680, Pacific Region.
YUROK	Resighini Rancheria, Chairperson, P.O. Box 529, Klamath, California 95548, phone: (707) 482–2431, Pacific Region.
YUROK (*SEE* ME-WOK/MIWOK/TOLOWA)	Trinidad Rancheria, Chairperson, P.O. Box 630, Trinidad, California 95570, phone: (707) 677–0211, Pacific Region.
YUROK	Yurok Tribe, Social Services, Attention: ICWA Coordinator, P.O. Box 1027, Klamath, California 95548, phone: (707) 482–1350, Pacific Region.

2. Alaska Native Tribes and Villages

ALEUT	Agdaagux Tribe of King Cove, Arthur Newman, Tribal Administrator, P.O. Box 249, King Cove, Alaska 99612, phone: (907) 497–2648, fax: (907) 497–2803, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Akhiok, David Eluaska, Tribal Manager, P.O. Box 5030, Akhiok, Alaska 99615, phone: (907) 836–2312 or (907) 836–2313, fax: (907) 836–2345, Alaska Region.
ALEUT	Native Village of Akutan, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT	Native Village of Atka, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT	Native Village of Belkofski, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Chenega, Norma Selanoff, ICWA Worker, P.O. Box 8079, Chenega Bay, Alaska 99574, phone: (907) 573–5386, fax: (907) 573–5387, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Chignik Bay Tribal Council,[1] Debbie Carlson, Administrator, P.O. Box 50, Chignik, Alaska 99564, phone: (907) 749–2445, fax: (907) 749–2423, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Chignik Bay Tribal Council,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Chignik Lagoon,[1] Clemence Grunert, Jr., President, P.O. Box 09, Chignik Lagoon, Alaska 99565, phone: (907) 840–2281, fax: (907) 840–2217, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Chignik Lagoon,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Chignik Lake Village,[1] Crystal Kalmakoff, Tribal Children's Service Worker, P.O. Box 33, Chignik Lake, Alaska 99548, phone: (907) 845–2358, fax: (907) 845–2246, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Chignik Lake Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Cordova (*See* Eyak).
ALEUT (*SEE* ALUTIIQ)	Egegik Village,[1] Marcia Abalama, Tribal Children's Service Worker, P.O. Box 29, Egegik, Alaska 99579, phone: (907) 233–2207, fax: (907) 233–2312, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Egegik Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	English Bay (*See* Native Village of Nanwalek).
ALEUT (*SEE* ALUTIIQ)	Native Village of Eyak (Cordova), Erin Kurz, ICWA Worker, P.O. Box 1388, Cordova, Alaska 99574, phone: (907) 424–7738, fax: (907) 424–7809, Alaska Region.
ALEUT	Native Village of False Pass, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Ivanoff Bay Village,[1] Edgar Shangin, Tribal President, 7926 Old Seward Hwy, Suite B–5, Anchorage, Alaska 99518, phone: (907) 522–2263, fax: (907) 522–2363, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Ivanoff Bay Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Kaguyak Village, Margie Bezona, Community Development Director, Kodiak Area Native Association, 3449 E. Rezanof Drive, Kodiak, Alaska 99615, phone: (907) 486–9816, fax: (907) 486–9886, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Kanatak,[1] Tony Olivera, Tribal Administrator/ICWA Director, P.O. Box 872231, Wailla, Alaska 99687, phone: (907) 357–5991, fax: (907) 357–5992, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Kanatak,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Karluk, Joyce Jones, ICWA Worker, P.O. box 22, Karluk, Alaska 99608, phone: (907) 241–2218, fax: (907) 241–2208, Alaska Region.
ALEUT	King Cove (*See* Agdaagux).
ALEUT	King Salmon Tribe,[1] Ralph Angasan, Jr., Tribal Administrator, P.O. Box 68, King Salmon, Alaska 99613, phone: (907) 246–3553/3447, fax: (907) 246–3449, Alaska Region.

ALEUT	King Salmon Tribe,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Kodiak Tribal Council (*See* Sun'aq Tribe of Kodiak).
ALEUT (*SEE* ALUTIIQ)	Native Village of Larsen Bay, Geraldine Watson, ICWA Worker, P.O. Box 50, Larsen Bay, Alaska 99624, phone: (907) 847–2207, fax: (907) 847–2307, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Lesnoi Village (aka Woody Island), Maggie Rocheleau, Village Administrator, 3248 Mill Bay Road, Kodiak, Alaska 99615, phone: (907) 486–2821, fax: (907) 486–2738, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Nanwalek (aka English Bay), Alma Moonin, IRA Administrator, P.O. Box 8028, Nanwalek, Alaska 99603–6021, phone: (907) 281–2274, fax: (907) 281–2252, Alaska Region.
ALEUT	Native Village of Nelson Lagoon,[1] Justine Gunderson, Administrator, P.O. box 913, Nelson Lagoon, Alaska 99571, phone: (907) 989–2204, fax: (907) 989–2233, Alaska Region.
ALEUT	Native Village of Nelson Lagoon,[2] Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT	Native Village of Nikolski, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Village of Old Harbor, Conrad Peterson, President, P.O. Box 62, Old Harbor, Alaska 99643–0062, phone: (907) 286–2215, fax: (907) 286–2277, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Ouzinkie, Michelle M. Johnson, ICWA Director, P.O. Box 130, Ouzinkie, Alaska 99644–0130, phone: (907) 680–2359, fax: (907) 680–2214, Alaska Region.
ALEUT	Pauloff Harbor Village,[1] Attention Grace Smith, ICWA Coordinator, P.O. Box 97, Sand Point, Alaska 99661, phone: (907) 383–6075, fax: (907) 383–6094, Alaska Region.
ALEUT	Pauloff Harbor Village,[2] Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Perryville,[1] Bernice O'Domin, Tribal Children's Service Worker, P.O. Box 97, Perryville, Alaska 99648–0089, phone: (907) 853–2242, fax: (907) 853–2229, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Perryville,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Pilot Point, Lori Ann Abyo, Tribal Administrator, P.O. Box 449, Pilot Point, Alaska 99649, phone: (907) 797–2208, fax: (907) 797–2258, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Port Graham, Mary Malchoff/Patrick Norman, ICWA Worker/Chief, P.O. Box 5510, Port Graham, Alaska 99603, phone: (907) 284–2227, fax: (907) 284–2222, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Port Heiden,[1] Larissa Orloff, Tribal Administrator, Tribal Children Service Worker, P.O. Box 49007, Port Heiden, Alaska 99549, phone: (907) 837–2225/2296, fax: (907) 837–2297, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Port Heiden,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Port Lions, Jessica Ursin, Tribal Family Service Coordinator, P.O. box 69, Port Lions, Alaska 99550–0069, phone: (907) 454–2234, fax: (907) 454–2434, Alaska Region.
ALEUT	Qagan Tayagungin Tribe of Sand Point Village,[1] Anne M. Morris, Administrator/Tribal Clerk, Box 447, Sand Point, Alaska 99661, phone: (907) 383–5616, fax: (907) 383–5616, Alaska Region.
ALEUT	Qagan Tayagungin Tribe of Sand Point Village,[2] Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT	Qawalangin Tribe of Unalaska,[1] Kathy M. Dirks, Family Programs Services, P.O. Box 1130, Unalaska, Alaska 99685, phone: (907) 581–6574, fax: (907) 581–2040, Alaska Region.
ALEUT	Qawalangin Tribe of Unalaska,[2] Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Seldovia Village Tribe, Paula Elvsass, ICWA Worker, Drawer L, Seldovia, Alaska 99663, phone: (907) 234–7898 ext. 255, fax: (907) 234–7875, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Sun'aq Tribe of Kodiak, Frank Peterson, Social Services Director, 312 W. Marine Way, Kodiak, Alaska 99615, phone: (907) 486–4449, fax: (907) 486–3361, Alaska Region.
ALEUT	St. George Island, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT	St. Paul Island,[1] Maxim Buterin, Jr., ICWA Children Service Worker, P.O. Box 31, St. Paul Island, Alaska 99660, phone: (907) 923–2304/2405, phone: (907) 546–3224, Alaska Region.
ALEUT	St. Paul Island,[2] Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Native Village of Tatitlek, Lori (Sue) Johnson, President, P.O. Box 171, Tatitlek, Alaska 99677, phone: (907) 325–2311, fax: (907) 325–2298, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Ugashik Village,[1] Betti J. Malagon, Tribal Administrator, 206 E. Fireweed lane, #204, Anchorage, Alaska 99503, phone: (907) 338–7611, fax: (907) 338–7659, Alaska Region.

ALEUT (*SEE* ALUTIIQ)	Ugashik Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALEUT	Unalaska (*See* Qawalangin Tribe of Unalaska).
ALEUT	Native Village of Unga, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, Alaska 99518–1408, phone: (907) 276–2700 or (907) 222–4236, fax: (907) 279–4351, Alaska Region.
ALEUT (*SEE* ALUTIIQ)	Woody Island (*See* Lesnoi Village).
ALUTIIQ (*SEE* ALEUT)	Native Village of Afognak, Melissa Borton, Tribal Administrator, 115 Mill Bay Road, Suite 201, Kodiak, Alaska 99615, phone: (907) 486–6357, fax: (907) 486–6529, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Akhiok, David Eluaska, Tribal Manager, P.O. Box 5030, Akhiok, Alaska 99615, phone: (907) 836–2312 or (907) 836–2313, fax: (907) 836–2345, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Chenega, Norma Selanoff, ICWA Worker, P.O. Box 8079, Chenega Bay, Alaska 99574, phone: (907) 573–5386, fax: (907) 573–5387, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Chignik Bay Tribal Council,[1] Debbie Carlson, Administrator, P.O. Box 50, Chignik, Alaska 99564, phone: (907) 749–2445, fax: (907) 749–2423, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Chignik Bay Tribal Council,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Chignik Lagoon,[1] Clemence Grunert, Jr., President, P.O. Box 09, Chignik Lagoon, Alaska 99565, phone: (907) 840–2281, fax: (907) 840–2217, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Chignik Lagoon,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Chignik Lake Village,[1] Crystal Kalmakoff, Tribal Children's Service Worker, P.O. Box 33, Chignik Lake, Alaska 99548, phone: (907) 845–2358, fax: (907) 845–2246, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Chignik Lake Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Egegik Village,[1] Marcia Abalama, Tribal Children's Service Worker, P.O. Box 29, Egegik, Alaska 99579, phone: (907) 233–2207, fax: (907) 233–2312, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Egegik Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	English Bay (*See* Native Village of Nanwalek).
ALUTIIQ (*SEE* ALEUT)	Native Village of Eyak (Cordova), Erin Kurz, ICWA Worker, P.O. Box 1388, Cordova, Alaska 99574, phone: (907) 424–7738, fax: (907) 424–7809, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Ivanoff Bay Village,[1] Edgar Shangin, Tribal President, 7926 Old Seward Hwy, Suite B–5, Anchorage, Alaska 99518, phone: (907) 522–2263, fax: (907) 522–2363, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Ivanoff Bay Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Kaguyak Village, Margie Bezona, Community Development Director, Kodiak Area Native Association, 3449 E. Rezanof Drive, Kodiak, Alaska 99615, phone: (907) 486–9816, fax: (907) 486–9886, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Kanatak,[1] Tony Olivera, Tribal Administrator/ICWA Director, P.O. Box 872231, Wailla, Alaska 99687, phone: (907) 357–5991, fax: (907) 357–5992, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Kanatak,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Karluk, Joyce Jones, ICWA Worker, P.O. box 22, Karluk, Alaska 99608, phone: (907) 241–2218, fax: (907) 241–2208, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Kodiak Tribal Council (*See* Sun'aq Tribe of Kodiak).
ALUTIIQ (*SEE* ALEUT)	Native Village of Larsen Bay, Geraldine Watson, ICWA Worker, P.O. Box 50, Larsen Bay, Alaska 99624, phone: (907) 847–2207, fax: (907) 847–2307, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Lesnoi Village (aka Woody Island), Maggie Rocheleau, Village Administrator, 3248 Mill Bay Road, Kodiak, Alaska 99615, phone: (907) 486–2821, fax: (907) 486–2738, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Nanwalek (aka English Bay), Alma Moonin, IRA Administrator, P.O. Box 8028, Nanwalek, Alaska 99603–6021, phone: (907) 281–2274, fax: (907) 281–2252, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Village of Old Harbor, Conrad Peterson, President, P.O. Box 62, Old Harbor, Alaska 99643–0062, phone: (907) 286–2215, fax: (907) 286–2277, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Ouzinkie, Michelle M. Johnson, ICWA Director, P.O. Box 130, Ouzinkie, Alaska 99644–0130, phone: (907) 680–2359, fax: (907) 680–2214, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Perryville,[1] Bernice O'Domin, Tribal Children's Service Worker, P.O. Box 97, Perryville, Alaska 99648–0089, phone: (907) 853–2242, fax: (907) 853–2229, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Perryville,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Pilot Point, Lori Ann Abyo, Tribal Administrator, P.O. Box 449, Pilot Point, Alaska 99649, phone: (907) 797–2208, fax: (907) 797–2258, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Port Graham, Mary Malchoff/Patrick Norman, ICWA Worker/Chief, P.O. Box 5510, Port Graham, Alaska 99603, phone: (907) 284–2227, fax: (907) 284–2222, Alaska Region.

ALUTIIQ (*SEE* ALEUT)	Native Village of Port Heiden,[1] Larissa Orloff, Tribal Administrator, Tribal Children Service Worker, P.O. Box 49007, Port Heiden, Alaska 99549, phone: (907) 837–2225/2296, fax: (907) 837–2297, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Port Heiden,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Port Lions, Jessica Ursin, Tribal Family Service Coordinator, P.O. box 69, Port Lions, Alaska 99550–0069, phone: (907) 454–2234, fax: (907) 454–2434, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Seldovia Village Tribe, Paula Elvsass, ICWA Worker, Drawer L, Seldovia, Alaska 99663, phone: (907) 234–7898 ext. 255, fax: (907) 234–7875, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Sun'aq Tribe of Kodiak, Frank Peterson, Social Services Director, 312 W. Marine Way, Kodiak, Alaska 99615, phone: (907) 486–4449, fax: (907) 486–3361, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Native Village of Tatitlek, Lori (Sue) Johnson, President, P.O. Box 171, Tatitlek, Alaska 99677, phone: (907) 325–2311, fax: (907) 325–2298, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Ugashik Village,[1] Betti J. Malagon, Tribal Administrator, 206 E. Fireweed lane, #204, Anchorage, Alaska 99503, phone: (907) 338–7611, fax: (907) 338–7659, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Ugashik Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ALUTIIQ (*SEE* ALEUT)	Woody Island (*See* Lesnoi Village).
ATHABASCAN INDIAN	Alatna Village,[1] Michelle Sam, Acting Tribal Administrator, P.O. box 70, Allakaket, Alaska 99720, phone: (907) 968–2304, fax: (907) 238–3705, Alaska Region.
ATHABASCAN INDIAN	Alatna Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Allakaket Village,[1] Elisa Bergman, ICWA Worker, P.O. Box 50, Allakaket, Alaska 99720, phone: (907) 968–2237/2303, fax: (907) 968–2233, Alaska Region.
ATHABASCAN INDIAN	Allakaket Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Anvik Village,[1] Alberta Walker, Tribal Family Youth Specialist (TFYS), P.O. box 10, Anvik, Alaska 99558, phone: (907) 663–6322, fax: (907) 663–6357, Alaska Region.
ATHABASCAN INDIAN	Anvik Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Beaver Village,[1] Arlene Pitka, ICWA Coordinator, P.O. Box 24029, Beaver, Alaska 99724, phone: (907) 628–6126, fax: (907) 628–6815, Alaska Region.
ATHABASCAN INDIAN	Beaver Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Bettles Field (*See* Evansville Village).
ATHABASCAN INDIAN	Birch Creek Tribe, Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Cantwell, Angel Craig, ICWA Coordinator, Copper River Native Association, Drawer H, Copper Center, Alaska 99573, phone: (907) 822–5241 ext. 273, fax: (907) 822–8801, Alaska Region.
ATHABASCAN INDIAN	Chalkyitski Village,[1] Candice Nathaniel, ICWA Coordinator, P.O. Box 57, Chalkyitsik, Alaska 99788, phone: (907) 848–8117/8119, fax: (907) 848–8116, Alaska Region.
ATHABASCAN INDIAN	Chalkyitski Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Cheesh-Na Tribe, Elaine Sinyon, Tribal Administrator, P.O. Box 263, Gakona, Alaska 99586, phone: (907) 822–3503, fax: (907) 822–5179, Alaska Region.
ATHABASCAN INDIAN	Chickaloon Native Village, Penny Westing, ICWA Case Manager, P.O. Box Manager, P.O. Box 1105, Chickaloon, Alaska 99674, phone: (907) 745–0749, fax: (907) 745–0709, Alaska Region.
ATHABASCAN INDIAN	Chistochina (*See* Cheesh-Na).
ATHABASCAN INDIAN	Native Village of Chitina, Elizabeth Kelley, ICWA Worker, P.O. Box 31, Chitina, Alaska 99566, phone: (907) 823–2287, fax: (907) 823–2233, Alaska Region.
ATHABASCAN INDIAN	Circle Native Community,[1] Jessica Boyle, P.O. Box 89, Circle, Alaska 99733, phone: (907) 773–2822, fax: (907) 773–2823/2820, Alaska Region.
ATHABASCAN INDIAN	Circle Native Community,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Copper Center (*See* Native Village of Kluti-Kaah).
ATHABASCAN INDIAN	Village of Dot Lake, Dewila Lyons, ICWA Coordinator, P.O. Box 2279, Dot Lake, Alaska 99737–2275, phone: (907) 882–2742, fax: (907) 882–5558, Alaska Region.
ATHABASCAN INDIAN	Native Village of Eagle,[1] Maralyn Hinckley, Tribal Family & Youth Services, P.O. Box 19, Eagle, Alaska 99738, phone: (907) 547–2271, fax: (907) 547–2318, Alaska Region.
ATHABASCAN INDIAN	Native Village of Eagle,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Eklutna Native Village, Terri Corey, ICWA Coordinator, 26339 Eklutna Village Road, Chugiak, Alaska 99567, phone: (907) 688–6020, fax: (907) 688–6021, Alaska Region.

ATHABASCAN INDIAN	Evansville Village (aka Bettles Field),[1] Rachel Hanft, ICWA/Tribal Family & Youth Services, P.O. Box 26087, Bettles, Alaska 99726, phone: (907) 692–5005, fax: (907) 692–5006, Alaska Region.
ATHABASCAN INDIAN	Evansville Village (aka Bettles Field),[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Fort Yukon,[1] Arlene Joseph, ICWA Worker, P.O. Box 10, Fort Yukon, Alaska 99740, phone: (907) 662–3625, fax: (907) 662–3118, Alaska Region.
ATHABASCAN INDIAN	Native Village of Fort Yukon,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Gakona, Charlene Nollner, Tribal Administrator, P.O. Box 102, Gakona, Alaska 99586, phone: (907) 822–5777, fax: (907) 822–5997, Alaska Region.
ATHABASCAN INDIAN	Galena Village (aka Louden Village),[1], March Runner, ICWA Director, P.O. Box 244, Galena, Alaska 99741, phone: (907) 656–1711, fax: (907) 656–1716, Alaska Region.
ATHABASCAN INDIAN	Galena Village (aka Louden Village),[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Organized Village of Grayling (aka Holikachuk),[1] Sue Ann Nicholi, Tribal Family Youth Specialist, P.O. Box 46, Grayling, Alaska 99590, phone: (907) 453–5142, fax: (907) 453–5146, Alaska Region.
ATHABASCAN INDIAN	Organized Village of Grayling (aka Holikachuk),[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Gulkana Village, Mr. LaMonica Claw/Charelle Randall, Tribal Administrator/ICWA Social Services, P.O. Box 254, Gakona, Alaska 99586–0254, phone: (907) 822–5363, fax: (907) 822–5976, Alaska Region.
ATHABASCAN INDIAN	Gwichyaa Gwichin (*See* Fort Yukon).
ATHABASCAN INDIAN	Healy Lake Village,[1] Tribal President and Tribal Administrator, P.O. Box 60300, Fairbanks, Alaska 99706, phone: (907) 876–5017, fax: (907) 876–5013, Alaska Region.
ATHABASCAN INDIAN	Healy Lake Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Holikachuk (*See* Grayling).
ATHABASCAN INDIAN	Holy Cross Village,[1] Eugene Paul, First Chief, Tribal Family Youth Specialist, P.O. Box 191, Holy Cross, Alaska 99602, phone: (907) 476–7249, fax: (907) 476–7259, Alaska Region.
ATHABASCAN INDIAN	Holy Cross Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Hughes Village,[1] Janet Befelt, Tribal Administrator, P.O. box 45029, Hughes, Alaska 99745, phone: (907) 889–2239, fax: (907) 889–2252, fax: (907) 476–7259, Alaska Region.
ATHABASCAN INDIAN	Hughes Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Huslia Village,[1] S. Joyce Sam, Tribal Family Youth Specialist/ICWA, P.O. Box 56, Huslia, Alaska 99746, phone: (907) 829–2202, fax: (907) 829–2202, Alaska Region.
ATHABASCAN INDIAN	Huslia Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Village of Iliamna,[1] Tim Anelon, Tribal Administrator, P.O. Box 286, Iliamna, Alaska 99606, phone: (907) 571–1246, fax: (907) 571–1256, Alaska Region.
ATHABASCAN INDIAN	Village of Iliamna,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ATHABASCAN INDIAN	Village of Kaltag,[1] Eleanor Maillelle, Tribal Family Youth Specialist, P.O. box 129, Kaltag, Alaska 99748, phone: (907) 534–2243, fax: (907) 534–2264, Alaska Region.
ATHABASCAN INDIAN	Village of Kaltag,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Kenaitze Indian Tribe, Ms. Vide Van Velzor, ICWA Worker, 110 North Willow Avenue, Kenai, Alaska 99611, phone: (907) 283–6693, fax: (907) 283–7088, Alaska Region.
ATHABASCAN INDIAN	Native Village of Kluti-Kaah (Copper Center), Donald Johns, President, P.O. Box 68, Copper Center, Alaska 99573, phone: (907) 822–5541, fax: (907) 822–5130, Alaska Region.
ATHABASCAN INDIAN	Knik Tribe, Geraldine Nicoli, ICWA Worker, P.O. Box 871565, Wasilla, Alaska 99687–1565, phone: (907) 373–7938, fax: (907) 373–2153, Alaska Region.
ATHABASCAN INDIAN	Koyukuk Native Village,[1] Leo Lolnitz, First Chief, P.O. Box 109, Koyukuk, Alaska 99754, phone: (907) 927–2253, fax: (907) 927–2220, Alaska Region.
ATHABASCAN INDIAN	Koyukuk Native Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Lime Village, Ursula Graham, Administrator, P.O. Box LVD, McGrath, Alaska 99627–8999, phone: (907) 526–5236, fax: (907) 526–5235, Alaska Region.
ATHABASCAN INDIAN	Louden (*See* Galena).
ATHABASCAN INDIAN	Manley Hot Springs Village,[1] Sabrenia Jervsjo, TFYS/TWDS, P.O. Box 105, Manley Hot Springs, Alaska 99756, phone: (907) 672–3180, fax: (907) 672–3200, Alaska Region.

ATHABASCAN INDIAN	Manley Hot Springs Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	McGrath Native Village,[1] Tribal Family and Youth Specialist, P.O. Box 134, McGrath, Alaska 99627, phone: (907) 524–3023, fax: (907) 524–3899, Alaska Region.
ATHABASCAN INDIAN	McGrath Native Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Mentasta Traditional Council, Ms. Cecil G. Sanford, ICWA Program, P.O. Box 6024, Mentasta, Alaska 99780, phone: (907) 291–2319, fax: (907) 291–2305, Alaska Region.
ATHABASCAN INDIAN	Native Village of Minto,[1] Lori Baker, Program Coordinator, P.O. Box 19, Minto, Alaska 99758, phone: (907) 798–7448, fax: (907) 798–7450, Alaska Region.
ATHABASCAN INDIAN	Native Village of Minto,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Nenana Native Association,[1] Nita M. Marks, Youth & family Services Director, P.O. Box 369, Nenana, Alaska 99760, phone: (907) 832–5461 ext. 225, fax: (907) 832–5447, Alaska Region.
ATHABASCAN INDIAN	Nenana Native Association,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Nikolai Village,[1] Peter A. Tony, Tribal Family Youth Specialist, P.O. Box 9105, Nikolai, Alaska 99691, phone: (907) 293–2311, fax: (907) 293–2481, Alaska Region.
ATHABASCAN INDIAN	Nikolai Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Ninilchik Village, Michelle Partridge, Social Services Specialist, P.O. Box 39444, Ninilchik, Alaska 99669, phone: (907) 567–3313 ext. 1010, fax: (907) 567–3354, Alaska Region.
ATHABASCAN INDIAN	Nondalton Village,[1] Betty Wilson-Evanoff, Social Services/ICWA Worker, P.O. Box 49, Nondalton, Alaska 99640–0049, phone: (907) 294–2206, fax: (907) 294–2262, Alaska Region.
ATHABASCAN INDIAN	Nondalton Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ATHABASCAN INDIAN	Northway Village, Donna Northway/Daisy Northway, ICWA Worker/Tribal Administrator, P.O. Box 516, Northway, Alaska 99764, phone: (907) 778–2311, fax: (907) 778–2220, Alaska Region.
ATHABASCAN INDIAN	Nulato Village,[1] Kathleen M. Sam, Director of Human Services, P.O. Box 49, Nulato, Alaska 99765, phone: (907) 898–2329, fax: (907) 898–2207, Alaska Region.
ATHABASCAN INDIAN	Nulato Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Pedro Bay Village,[1] Kevin Jensen, operations Coordinator, P.O. Box 47020, Pedro Bay, Alaska 99647–7020, phone: (907) 850–2225, fax: (907) 850–2221, Alaska Region.
ATHABASCAN INDIAN	Pedro Bay Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
ATHABASCAN INDIAN	Rampart Village,[1] Corina Collins, Tribal Administrator, P.O. Box 76029, Rampart, Alaska 99767, phone: (907) 358–3312, fax: (907) 358–3115, Alaska Region.
ATHABASCAN INDIAN	Rampart Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Ruby,[1] Patrick Sweetsir, Tribal Administrator, P.O. Box 210, Ruby, Alaska 99768, phone: (907) 468–4479, fax: (907) 468–4474, Alaska Region.
ATHABASCAN INDIAN	Native Village of Ruby,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Village of Salamatoff, Penny Carty, President, P.O. Box 2682, Kenai, Alaska 99611, phone: (907) 283–7864, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Shageluk Native Village,[1] Kelly S. Workman, TFYS, P.O. Box 109, Shageluk, Alaska 99665, phone: (907) 473–8239/8229, fax: (907) 473–8295/8275, Alaska Region.
ATHABASCAN INDIAN	Shageluk Native Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Stevens,[1] Randy Mayo/Cheryl Mayo Kriska, 1st Chief/Grant Administrator, P.O. Box 71372, Fairbanks, Alaska 99701, phone: (907) 452–7162, fax: (907) 452–5063, Alaska Region.
ATHABASCAN INDIAN	Native Village of Stevens,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Takotna Village,[1] Carole Absher, Tribal Family Youth Services Worker, P.O. Box 7529, Takotna, Alaska 99675, phone: (907) 298–2212, fax: (907) 298–2314, Alaska Region.
ATHABASCAN INDIAN	Takotna Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Tanacross, Roy G. Denny, President, P.O. Box 76009, Tanacross, Alaska 99776, phone: (907) 883–5024 ext. 122, fax: (907) 883–4497, Alaska Region.

ATHABASCAN INDIAN	Native Village of Tanana, Thelma Starr, Acting Executive Director, P.O. Box 77130, Tanana, Alaska 99777, phone: (907) 366–7222, fax: (907) 366–7195, Alaska Region.
ATHABASCAN INDIAN	Native Village of Tazlina, Marce Simeon, ICWA Coordinator, P.O. Box 87, Glennallen, Alaska 99588, phone: (907) 822–4375, fax: (907) 822–5865, Alaska Region.
ATHABASCAN INDIAN	Telida Village,[1] Jo Royal, Natiev Village Council, P.O. Box 32, Telida, Alaska 99627, phone: (907) 524–3550, fax: (907) 524–3163, Alaska Region.
ATHABASCAN INDIAN	Telida Village,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	Native Village of Tetlin,[1] Christie Young, Tetlin IRA Council, P.O. Box 797/Box 93, Tetlin, Alaska 99780/Tok, Alaska 99780, phone: (907) 883–2021/phone: (907) 883–2681, fax: (907) 883–2021/fax: (907) 451–1717, Alaska Region.
ATHABASCAN INDIAN	Native Village of Tetlin,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
ATHABASCAN INDIAN	The Native Village of Tyonek, Angela Sandstol, Tribal President, P.O. Box 82009, Tyonek, Alaska 99682, phone: (907) 583–2111, fax: (907) 583–2442, Alaska Region.
ATHABASCAN INDIAN	Native Village of Venetie Tribal Government,[1] Ernest D. Erick, 1st Chief of Venetie Village Council, P.O. Box 81119, Venetie, Alaska 99781, phone: (907) 849–8212, fax: (907) 849–8149, Alaska Region.
ATHABASCAN INDIAN	Native Village of Venetie Tribal Government,[2] Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, Alaska 99701, phone: (907) 452–8251 ext. 3177, fax: (907) 459–3953, Alaska Region.
HAIDA INDIAN (*SEE* TLINGIT)	Central Council of the Tlingit and Hadia Indian Tribes, Marilyn Doyle, 320 W. Willoughby Avenue, Suite 300, Juneau, Alaska 99801–9983, phone: (907) 463–7148, fax: (907) 463–7343, Alaska Region.
HAIDA INDIAN	Hydaburg Cooperative Association, Eileen J. Carle, Human Services Director, P.O. Box 349, Hydaburg, Alaska 99922, phone: (907) 285–3662, fax: (907) 285–3541, Alaska Region.
HAIDA INDIAN	Organized Village of Kasaan, Richard J. Peterson, President, P.O. box 26–KXA, Kasaan-Ketchikan, Alaska 99950, phone: (907) 542–2230, fax; (907) 542–3006, Alaska Region.
INUPIAQ ESKIMO	Native Village of Ambler, Shield Downey, Jr./Mary J. Ramoth, First Chief/ICWA Coordinator, Box 86047, Ambler, Alaska 99786, phone: (907) 445–2189/2238, fax: (907) 445–2257/2181, Alaska Region.
INUPIAQ ESKIMO	Village of Anaktuvuk Pass,[1] Tribal President, P.O. Box 21065, Anaktuvuk Pass, Alaska 99721, phone: (907) 661–2575, fax: (907) 661–2576, Alaska Region.
INUPIAQ ESKIMO	Village of Anaktuvuk Pass,[2] Price Leavitt, Sr., Executive Director, Inupiat Community of the Arctic Slope, P.O. Box 934, 6986 Ahmaogak Street, Barrow, Alaska 99723, phone: (907) 852–4227, fax: (907) 852–4068, Alaska Region.
INUPIAQ ESKIMO	Atqasuk Village (Atkasook),[1] Candace Itta, President, P.O. Box 91108, Atqasuk, Alaska 99791, phone: (907) 633–2575, fax: (907) 633–2576, Alaska Region.
INUPIAQ ESKIMO	Atqasuk Village (Atkasook),[2] Arctic Slope Native Association, Maude Hopson, ICWA Worker, P.O. box 1232, Barrow, Alaska 99723, phone: (907) 852–9374, fax: (907) 852–2761, Alaska Region.
INUPIAQ ESKIMO	Native Village of Barrow Inupiat Traditional Government, Marie H. Ahsoak, Social Services Director, P.O. Box 1130, Barrow, Alaska 99723, phone: (907) 852–4411 ext. 209, Direct Line: (907) 852–8909, fax: (907) 852–4413, Alaska Region.
INUPIAQ ESKIMO	Native Village of Brevig Mission, Linda M. Tocktoo, Tribal Family Coordinator, P.O. Box 85039, Brevig Mission, Alaska 99785, phone: (907) 642–3012, fax: (907) 642–3042, Alaska Region.
INUPIAQ ESKIMO	Native Village of Buckland, Evans Thomas Jr., IRA President, P.O. Box 67, Buckland, Alaska 99727–0067, phone: (907) 494–2171, fax: (907) 494–2217, Alaska Region.
INUPIAQ ESKIMO	Native Village of Council, Tribal President and ICWA Coordinator, P.O. Box 2050, Nome, Alaska 99762, phone: (907) 443–7649, fax: (907) 443–5965, Alaska Region.
INUPIAQ ESKIMO	Native Village of Deering, Tribal President and ICWA Coordinator, P.O. Box 36089, Deering, Alaska 99763, phone: (907) 363–2138, fax: (907) 363–2195, Alaska Region.
INUPIAQ ESKIMO	Native Village of Elim, Joseph H. Murray, Tribal Family Coordinator, P.O. Box 39070, Elim, Alaska 99739, phone: (907) 890–2457, fax: (907) 890–2458, Alaska Region.
INUPIAQ ESKIMO	Inupiat Community of Arctic Slope, Price Levitt, Sr., Executive Director, P.O. Box 934, Barrow, Alaska 99723, phone: (907) 852–4227, fax: (907) 852–4068/4246, Alaska Region.
INUPIAQ ESKIMO	Kaktovik Village (aka Barter Island),[1] Isaac Akootchook, President, P.O. Box 73, Kaktovik, Alaska 99747, phone: (907) 640–2042, fax: (907) 640–2044, Alaska Region.
INUPIAQ ESKIMO	Kaktovik Village (aka Barter Island),[2] Arctic Slope Native Association, Maude Hopson, ICWA Worker, P.O. box 1232, Barrow, Alaska 99723, phone: (907) 852–9374, fax: (907) 852–2761, Alaska Region.
INUPIAQ ESKIMO	Native Village of Kiana, Elmer Jackson, ICWA Coordinator, P.O. Box 69, Kiana, Alaska 99749, phone: (907) 475–2226 ext. 14, fax: (907) 475–2266, Alaska Region.
INUPIAQ ESKIMO	King Island Native Community, Jennifer Alvanna, Tribal Family Coordinator, P.O. Box 682, Nome, Alaska 99762, phone: (907) 443–5181, fax: (907) 443–8049, Alaska Region.
INUPIAQ ESKIMO	Native Village of Kivalina,[1] Colleen E. Swan, Tribal Administrator and Tribal President, P.O. Box 50051, Kivalina, Alaska 99750, phone: (907) 645–2153, fax: (907) 645–2193/2250, Alaska Region.
INUPIAQ ESKIMO	Native Village of Kivalina,[2] Jackie Hill, Maniilaq Association, P.O. Box 256, Kotzebue, Alaska 99752, phone: (907) 442–7919, fax: (907) 442–7933, Alaska Region.
INUPIAQ ESKIMO	Native Village of Kobuk, Wanda Custer, ICWA Coordinator, P.O. Box 51039, Kobuk, Alaska 99751–0039, phone: (907) 948–2255, fax: (907) 948–2355, Alaska Region.

INUPIAQ ESKIMO	Native Village of Kotzebue, Nicole Cravalho, Family Services Director, P.O. Box 296, Kotzebue, Alaska 99752–0296, phone: (907) 442–3467, fax: (907) 442–2162, Alaska Region.
INUPIAQ ESKIMO	Native Village of Koyuk, Leo M. Charles Sr., Tribal Family Coordinator, P.O. Box 53030, Koyuk, Alaska 99753, phone: (907) 963–2215, fax: (907) 963–2300, Alaska Region.
INUPIAQ ESKIMO	Native Village of Mary's Igloo, Dolly Kugzruk, ICWA Worker/Kawerak Inc., P.O. Box 546, Teller, Alaska 99778, phone: (907) 642–2185, fax: (907) 642–3000, Alaska Region.
INUPIAQ ESKIMO	Native Village of Noatak, Alvin Ashby/Sarah Penn, Administrator/ICWA Worker, P.O. Box 89, Noatak, Alaska 99761–0089, phone: (907) 485–2173 ext. 12, fax: (907) 485–2137, Alaska Region.
INUPIAQ ESKIMO	Nome Eskimo Community, Moriah Sallaffie, ICWA Case Manager, P.O. Box 1090, Nome, Alaska 99762–1090, phone: (907) 443–9109, fax: (907) 443–9140, Alaska Region.
INUPIAQ ESKIMO	Noorvik Native Community,[1] Nellie Ballot, ICWA Coordinator, P.O. Box 209, Noorvik, Alaska 99763, phone: (907) 636–2258, fax: (907) 636–2268, Alaska Region.
INUPIAQ ESKIMO	Noorvik Native Community,[2] Jackie Hill, Maniilaq Association, P.O. Box 256, Kotzebue, Alaska 99752, phone: (907) 442–7919, fax: (907) 442–7933, Alaska Region.
INUPIAQ ESKIMO	Native Village of Nuiqsut (aka Nooiksut),[1] Sheila K. Baker, Tribal Administrator, P.O. Box 89169, Nuiqsut, Alaska 99789, phone: (907) 480–3010, fax: (907) 480–3009, Alaska Region.
INUPIAQ ESKIMO	Native Village of Nuiqsut (aka Nooiksut),[2] Arctic Slope Native Association, Maude Hopson, ICWA Worker, P.O. Box 1232, Barrow, Alaska 99723, phone: (907) 852–9374, fax: (907) 852–2761, Alaska Region.
INUPIAQ ESKIMO	Native Village of Point Hope, Daisy A. Sage, Family Caseworker, P.O. Box 109, Point Hope, Alaska 99766, phone: (907) 368–3122, fax: (907) 368–5401, Alaska Region.
INUPIAQ ESKIMO	Native Village of Point Lay,[1] Tribal President, Box 59031, Point Lay, Alaska 99757, phone: (907) 833–2575, Alaska Region.
INUPIAQ ESKIMO	Native Village of Point Lay,[2] Price Leavitt, Sr., Executive Director, Inupiat Community of the Arctic Slope, P.O. Box 934, 6986 Ahmaogak Street, Barrow, Alaska 99723, phone: (907) 852–4227, fax: (907) 852–4068, Alaska Region.
INUPIAQ ESKIMO	Native Village of Selawik, Lenora Foxglove, Executive Director, P.O. Box 59, Selawik, Alaska 99770–0059, phone: (907) 484–2165 ext. 14, fax: (907) 484–2226, Alaska Region.
INUPIAQ ESKIMO	Native Village of Shaktoolik, Tribal President and Tribal Administrator, P.O. Box 100, Shaktoolik, Alaska 99771, phone: (907) 955–2444, fax: (907) 955–2443, Alaska Region.
INUPIAQ ESKIMO	Native Village of Shishmaref, Karla Nayokpuk, Tribal Family Coordinator, P.O. Box 72110, Shishmaref, Alaska 99772, phone: (907) 649–3078/3821, fax: (907) 649–2278, Alaska Region.
INUPIAQ ESKIMO	Native Village of Shungnak, Lizzie L. Cleveland, ICWA, P.O. Box 64, Shungnak, Alaska 99773, phone: (907) 437–2163, fax: (907) 437–2183, Alaska Region.
INUPIAQ ESKIMO	Village of Solomon, Tribal President and Tribal Administrator, P.O. Box 2053, Nome, Alaska 99762, phone: (907) 443–4985, fax: (907) 443–5189, Alaska Region.
INUPIAQ ESKIMO	Native Village of Teller (Mary's Igloo), Dolly Kugzruk, ICWA Worker/Kawerak Inc., P.O. Box 546, Teller, Alaska 99778, phone: (907) 642–2185, fax: (907) 642–3000, Alaska Region.
INUPIAQ ESKIMO	Native Village of Unalakleet, Veronica Ivanoff, Tribal Family Coordinator, P.O. Box 270, Unalakleet, Alaska 99684, phone: (907) 624–3526, fax: (907) 624–5104, Alaska Region.
INUPIAQ ESKIMO	Village of Wainwright,[1] June Childress, President, P.O. Box 143, Wainwright, Alaska 99782, phone: (907) 763–2535, fax: (907) 763–2536, Alaska Region.
INUPIAQ ESKIMO	Village of Wainwright,[2] Arctic Slope Native Association, Maude Hopson, ICWA Worker, P.O. box 1232, Barrow, Alaska 99723, phone: (907) 852–9374, fax: (907) 852–2761, Alaska Region.
INUPIAQ ESKIMO	Native Village of Wales, Kelly Anungazuk, President, P.O. Box 549, Wales, Alaska 99783, phone: (907) 664–2185, fax: (907) 664–2200, Alaska Region.
INUPIAQ ESKIMO	Native Village of White Mountain, Katherine E. Bergamaschi, Tribal Family Coordinator/ICWA, P.O. Box 85, White Mountain, Alaska 99784, phone: (907) 638–2008, fax: (907) 638–2009, Alaska Region.
TLINGIT INDIAN	Angoon Community Association, Albert Kookesh III, Social Services Manager, P.O. Box 328, Angoon, Alaska 99820, phone: (907) 788–3411, fax: (907) 788–3412, Alaska Region.
TLINGIT INDIAN (*SEE* HAIDA)	Central Council of the Tlingit and Haida Indian Tribes, Marilyn Doyle, 320 W. Willoughby Avenue, Suite 300, Juneau, Alaska 99801–9983, phone: (907) 463–7148, fax: (907) 463–7343, Alaska Region.
TLINGIT INDIAN	Chilkat Indian Village (Klukwan), Elizabeth Strong, Tribal Service Specialist, P.O. Box 210/32, Haines, Alaska 99827, phone: (907) 767–5505, fax: (907) 767–5408, Alaska Region.
TLINGIT INDIAN	Chilkoot Inidan Association (Haines), Stella Howard, Family Caseworker, P.O. Box 624, Haines, Alaska 99827, phone: (907) 766–2810, fax: (907) 766–2845, Alaska Region.
TLINGIT INDIAN	Craig Community Association, Family Caseworker II, P.O. Box 746, Craig, Alaska 99921, phone: (907) 826–3948, fax: (907) 826–5526, Alaska Region.
TLINGIT INDIAN	Douglas Indian Association, Sue Ann Lindoff, Family Caseworker, 1107 West 8th, Suite 3, Juneau, Alaska 99801, phone: (907) 364–2916/2983, fax: (907) 364–2917, Alaska Region.
TLINGIT INDIAN	Haines (*See* Chilkoot Indian Association).
TLINGIT INDIAN	Hoonah Indian Association, Hattie Dalton, Director of Human Services, P.O. Box 602, Hoonah, Alaska 99829, phone: (907) 945–3545, fax: (907) 945–3703, Alaska Region.
TLINGIT INDIAN	Organized Village of Kake, M. Ann Jackson, Social Services Director, P.O. Box 316, Kake, Alaska 99830, phone: (907) 785–6471, fax: (907) 785–4902, Alaska Region.
TLINGIT INDIAN	Ketchikan Indian Corporation, Chuck Wanner/Terri Burr, Behavioral Health Director/Family Specialist, 2960 Tongass Avenue, First Floor, Ketchikan, Alaska 99901, phone: (907) 228–4917 ext. 1288, fax: (907) 228–4920, Alaska Region.

TLINGIT INDIAN	Klawock Cooperative Association, Henrietta Kato, ICWA Agent, P.O. Box 173, Klawock, Alaska 99925, phone: (907) 755–2326, fax: (907) 755–2647, Alaska Region.
TLINGIT INDIAN	Klukwan (*See* Chilkat Indian Village).
TLINGIT INDIAN	Petersburg Indian Association, Brandy Christensen, Tribal Social Worker, P.O. Box 1418, Petersburg, Alaska 99833, phone: (907) 772–3636, fax: (907) 722–3637, Alaska Region.
TLINGIT INDIAN	Organized Village of Saxman, Barbara A. Laman, Family Caseworker, Route 2, Box 2, Ketchikan, Alaska 99901, phone: (907) 225–2518, fax: (907) 247–2504, Alaska Region.
TLINGIT INDIAN	Sitka Tribe of Alaska, Terri McGraw, ICWA Caseworker, 456 Katlian Street, Sitka, Alaska 99835, phone: (907) 747–7359, fax: (907) 747–7643, Alaska Region.
TLINGIT INDIAN	Skagway Village,[1] Delia Commander, Tribal President/Administrator, P.O. Box 1157, Skagway, Alaska 99840, phone: (907) 983–4068, fax: (907) 983–3068, Alaska Region.
TLINGIT INDIAN	Skagway Village,[2] Indian Child Welfare Coordinator, Central Council Tlingit and Haida Indian Tribes of Alaska, 320 W. Willoughby, Suite 300, Juneau, Alaska 99801, phone: (907) 463–7148, fax: (907) 463–7343, Alaska Region.
TLINGIT INDIAN	Wrangell Cooperative Association, Elizabeth Newman, Family Caseworker II, P.O. Box 1198, Wrangell, Alaska 99929, phone: (907) 874–3482, fax: (907) 874–2982, Alaska Region.
TLINGIT INDIAN	Yakutat Tlingit Tribe, Cindy Brenner, ICWA Coordinator, P.O. Box 418, Yakutat, Alaska 99689, phone: (907) 784–3124, fax: (907) 784–3664, Alaska Region.
TSIMSHIAN INDIAN	Metlakatla Indian Community, Annette Island Reserve, Karen D. Thompson, Director Social Services/ICWA Representative/Child MH, P.O. Box 8, Metlakatala, Alaska 99926, phone: (907) 886–6911, fax: (907) 886–6913, Alaska Region.
YUPIK ESKIMO	Akiachak Native Community, Georgiann Wassilie, Tribal Family Services, P.O. Box 70, Akiachak, Alaska 99551–0070, phone: (907) 825–4626/4073, fax: (907) 825–4029/4075, Alaska Region.
YUPIK ESKIMO	Akiak Native Community, Andrea Jasper/Balassia Phillip, ICWA Worker/Social Services Director, P.O. Box 52127, Akiak, Alaska 99552, phone: (907) 765–7117, fax: (907) 765–7120, Alaska Region.
YUPIK ESKIMO	Village of Alakanuk,[1] Charlene Smith, ICWA Specialist, P.O. Box 149, Alakanuk, Alaska 99554, phone: (907) 238–3704, fax: (907) 238–3705, Alaska Region.
YUPIK ESKIMO	Village of Alakanuk,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Aleknagik,[1] Jane Gottschalk, Tribal Children Service Worker, P.O. Box 115, Aleknagik, Alaska 99555, phone: (907) 842–4577, fax: (907) 842–2229, Alaska Region.
YUPIK ESKIMO	Native Village of Aleknagik,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Algaaciq Native Village (St. Mary's),[1] Sven Paukan, Tribal President, P.O. Box 48, St. Mary's, Alaska 99658–0048, phone: (907) 438–2932, fax: (907) 438–2227, Alaska Region.
YUPIK ESKIMO	Algaaciq Native Village (St. Mary's),[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Yupiit of Andrefski, Carol Alstrom, Tribal Administrator, P.O. Box 88, St. Mary's, Alaska 99658–0088, phone: (907) 438–2312, fax: (907) 438–2512, Alaska Region.
YUPIK ESKIMO	Village of Aniak, Muriel Morgan, ICWA Worker, Box 349, Aniak, Alaska 99557, phone: (907) 675–4349/4507, fax: (907) 675–4513, Alaska Region.
YUPIK ESKIMO	Asa'carsarmiut Tribe, Evelyn D. Peterson, ICWA Worker, P.O. Box 32107, Mountain Village, Alaska 99632, phone: (907) 591–2428, fax: (907) 591–2934, Alaska Region.
YUPIK ESKIMO	Village of Atmautluak, Louisa G. Pavilla, ICWA Worker, P.O. Box 6568, Atmautluak, Alaska 99559, phone: (907) 553–5510, fax: (907) 553–5510, Alaska Region.
YUPIK ESKIMO	Village of Bill Moore's Slough, Nancy C. Andrews, ICWA Family Specialist, P.O. Box 20288, Kotlik, Alaska 99620, phone: (907) 899–4236, fax: (907) 899–4461, Alaska Region.
YUPIK ESKIMO	Village of Chefornak,[1] Edward Kinegak, ICWA Specialist, P.O. Box 110, Chefornak, Alaska 99561–0110, phone: (907) 867–8808, fax: (907) 867–8711, Alaska Region.
YUPIK ESKIMO	Village of Chefornak,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Chevak Native Village (aka Kashunamiut Tribe),[1] Esther Friday, ICWA Director/Worker, P.O. Box 140, Chevak, Alaska 99563, phone: (907) 858–7918, fax: (907) 858–7919, Alaska Region.
YUPIK ESKIMO	Chevak Native Village (aka Kashunamiut Tribe),[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Chinki Eskimo Community (Golovin), Joyce Fagerstrom, Tribal Family Coordinator, P.O. Box 62019, Golovin, Alaska 99762, phone: (907) 779–3489, fax: (907) 779–2000, Alaska Region.
YUPIK ESKIMO	Native Village of Chuathbaluk, Lucy Simeon, Vice Chairman, P.O. Box CHU, Chuathbaluk, Alaska 99557, phone: (907) 467–4323/4313, fax: (907) 467–4113/4311, Alaska Region.
YUPIK ESKIMO	Chuloonawick Native Village, LaVerne Manumik, Tribal Administrator, P.O. Box 245, Emmonak, Alaska 99581, phone: (907) 949–1341/1345, fax: (907) 949–1346, Alaska Region.
YUPIK ESKIMO	Village of Clarks Point,[1] Harry Wassily Sr., Tribal President, P.O. Box 90, Clarks Point, Alaska 99569, phone: (907) 236–1427, fax: (907) 236–1428, Alaska Region.
YUPIK ESKIMO	Village of Clarks Point,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.

YUPIK ESKIMO	Village of Crooked Creek, Evelyn Thomas/Lorraine John, President/ICWA Worker, P.O. box 69, Crooked Creek, Alaska 99575, phone: (907) 432–2200, fax: (907) 432–2201, Alaska Region.
YUPIK ESKIMO	Curyung Tribal Council (Native Village of Dillingham),[1] Chris Itumulria, Tribal Children Service Worker, P.O. Box 216, Dillingham, Alaska 99576, phone: (907) 842–4508, fax: (907) 842–4510, Alaska Region.
YUPIK ESKIMO	Curyung Tribal Council (Native Village of Dillingham),[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Dillingham (*See* Curyung Tribal Council).
YUPIK ESKIMO	Native Village of Diomede (aka Inalik), Suzy Iyapana, ICWA Coordinator, P.O. Box 7079, Diomede, Alaska 99762, phone: (907) 686–2202, fax: (907) 686–2203, Alaska Region.
YUPIK ESKIMO	Native Village of Eek,[1] Carla David, ICWA Worker, P.O. Box 89, Eek, Alaska 99578, phone: (907) 536–5572, fax: (907) 536–5711, Alaska Region.
YUPIK ESKIMO	Native Village of Eek,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Ekuk,[1] Tribal Administrator, 300 Main Street, P.O. Box 530, Dillingham, Alaska 99576, phone: (907) 842–3842, fax: (907) 842–3843, Alaska Region.
YUPIK ESKIMO	Native Village of Ekuk,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Ekwok Village,[1] Sandra Stermer, Tribal Children Service Worker, P.O. Box 70, Ekwok, Alaska 99580, phone: (907) 464–3349, fax: (907) 464–3350, Alaska Region.
YUPIK ESKIMO	Ekwok Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Emmonak Village, Priscilla S. Kameroff/Andrew Kelly Sr., ICWA Specialist/President, P.O. Box 126, Emmonak, Alaska 99581–0126, phone: (907) 949–1820/1720, fax: (907) 949–1384, Alaska Region.
YUPIK ESKIMO	Fortuna Ledge (*See* Native Village of Marshall).
YUPIK ESKIMO	Native Village of Gambell, Charlene Apangalook, ICWA Coordinator, P.O. Box 90, Gambell, Alaska 99742, phone: (907) 985–5346, fax: (907) 985–5014, Alaska Region.
YUPIK ESKIMO	Native Village of Georgetown, Amber Matthews, Tribal Administrator, 4300 B Street, Suite 207, Anchorage, Alaska 99503, phone: (907) 274–2195, fax: (907) 274–2196, Alaska Region.
YUPIK ESKIMO	Golovin (*See* Chinik Eskimo Community).
YUPIK ESKIMO	Native Village of Goodnews Bay, Fannie H. Hunt, ICWA Coordinator, P.O. Box 138, Goodnews Bay, Alaska 99589, phone: (907) 967–8929, fax: (907) 967–8330, Alaska Region.
YUPIK ESKIMO	Native Village of Hamilton, Irene R.K. Williams, Tribal Administrator, P.O. Box 20248, Kotlik, Alaska 99620–0248, phone: (907) 899–4252/4255, fax: (907) 899–4202, Alaska Region.
YUPIK ESKIMO	Native Village of Hopper Bay,[1] Mildred B. Metcalf, CFFS, ICWA Representative, P.O. Box 69, Hooper Bay, Alaska 99604, phone: (907) 758–4068/4006, fax: (907) 758–4066/4606, Alaska Region.
YUPIK ESKIMO	Native Village of Hopper Bay,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Igiugig Village,[1] Tribal Administrator, P.O. Box 4008, Igiugig, Alaska 996013, phone: (907) 533–3211, fax: (907) 533–3217, Alaska Region.
YUPIK ESKIMO	Igiugig Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Iqurmuit Traditional Council,[1] Steven Nick, ICWA Coordinator, P.O. Box 09, Russian Mission, Alaska 99657–0009, phone: (907) 584–5594, fax: (907) 584–5596, Alaska Region.
YUPIK ESKIMO	Iqurmuit Traditional Council,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Village of Kalskag (aka Upper Kalskag),[1] Lisa Holmberg, ICWA Worker, P.O. Box 50, Upper Kalskag, Alaska 99607, phone: (907) 471–2418, fax: (907) 471–2399, Alaska Region.
YUPIK ESKIMO	Village of Kalskag (aka Upper Kalskag),[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Village of Lower Kalskag,[1] Flora Levi, ICWA Community Family Service Specialist, P.O. Box 27, Lower Kalskag, Alaska 99626, phone: (907) 471–2412, fax: (907) 471–2412, Alaska Region.
YUPIK ESKIMO	Village of Lower Kalskag,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Kashunamiut Tribe (*See* Chevak).
YUPIK ESKIMO	Kasigluk Traditional Edlers Council, Olinka Nicholas, ICWA Family Service Specialist, P.O. Box 19, Kasigluk, Alaska 99609, phone: (907) 477–6418, fax: (907) 477–6416, Alaska Region.
YUPIK ESKIMO	Native Village of Kipnuk,[1] Nicole A. Slim, ICWA Specialist, P.O. Box 57, Kipnuk, Alaska 99614, phone: (907) 896–5430, fax: (907) 896–5704, Alaska Region.
YUPIK ESKIMO	Native Village of Kipnuk,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.

YUPIK ESKIMO	Kokhanok Village,[1] Mary Andrew, Tribal Children Service Worker, P.O. Box 1007, Kokhanok, Alaska 99606, phone: (907) 282–2224, fax: (907) 282–2221, Alaska Region.
YUPIK ESKIMO	Kokhanok Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Koliganek Village (*See* New Koliganek).
YUPIK ESKIMO	Native Village of Kongiganak,[1] Janet Otto, ICWA Worker, P.O. Box 5092, Kongiganak, Alaska 99545, phone: (907) 557–5311, fax: (907) 557–5348, Alaska Region.
YUPIK ESKIMO	Native Village of Kongiganak,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Village of Kotlik,[1] Henrietta M. Teeluk, ICWA Worker, P.O. Box 20210, Kotlik, Alaska 99620, phone: (907) 899–4459, fax: (907) 899–4459/4790, Alaska Region.
YUPIK ESKIMO	Village of Kotlik,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Organized Village of Kwethluk, Chariton A. Epchook, ICWA Coordinator, P.O. Box 130, Kwethluk, Alaska 99621, phone: (907) 588–8705, fax: (907) 588–8429, Alaska Region.
YUPIK ESKIMO	Native Village of Kwigillingok, Andrew Beaver, ICWA Worker, P.O. Box 49, Kwigillingok, Alaska 99622, phone: (907) 588–8705, fax: (907) 588–8429, Alaska Region.
YUPIK ESKIMO	Native Village of Kwinhagak (aka Quinhagak), Fannie Hernandez, Health & Human Service Director/ICWA, P.O. Box 149, Quinhagak, Alaska 99655, phone: (907) 556–8167 ext. 410, fax: (907) 556–8521, Alaska Region.
YUPIK ESKIMO	Levelock Village,[1] Lucinda Tallekpalek, Tribal Children Service Worker, P.O. Box 70, Levelock, Alaska 99625, phone: (907) 287–3030, fax: (907) 287–3032, Alaska Region.
YUPIK ESKIMO	Levelock Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Manokotak Village,[1] Allsion George, Tribal Children's Service Worker, P.O. Box 169, Manokotak, Alaska 99628, phone: (907) 289–2067/2074, fax: (907) 289–1235, Alaska Region.
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YUPIK ESKIMO	Native Village of Marshall (aka Fortuna Ledge), Ruth Fitka, Social Service Director, Box 110, Marshall, Alaska 99585, phone: (907) 679–6302/6128, fax: (907) 679–6187, Alaska Region.
YUPIK ESKIMO	Native Village of Mekoryuk, Mona K. David, ICWA Coordinator, P.O. Box 66, Mekoryuk, Alaska 99630, phone: (907) 827–8827, fax: (907) 827–8170, Alaska Region.
YUPIK ESKIMO	Mountain Village (*See* Asa'carsarmiut Tribe).
YUPIK ESKIMO	Naknek Native Village,[1] Linda Patterson, ICWA Worker and Tribal Administrator, P.O. Box 106, Naknek, Alaska 99633, phone: (907) 246–4210, fax: (907) 246–3563, Alaska Region.
YUPIK ESKIMO	Naknek Native Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Native Village of Napaimute,[1] Marcie Sherer, President, P.O. Box 1301, Bethel, Alaska 99559, phone: (907) 543–2887, fax: (907) 543–2892, Alaska Region.
YUPIK ESKIMO	Native Village of Napaimute,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Napakiak,[1] Sally K. Billy, ICWA–CFSS, P.O. Box 34114, Napakiak, Alaska 99634, phone: (907) 589–2815, fax: (907) 589–2814, Alaska Region.
YUPIK ESKIMO	Native Village of Napakiak,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Napaskiak, Jacqueline Nicholai, ICWA Advocate, P.O. Box 6009, Napaskiak, Alaska 99559, phone: (907) 737–7821, fax: (907) 737–7845, Alaska Region.
YUPIK ESKIMO	New Koliganek Village Council (Koliganek Village),[1] Sally Kayoukluk, Tribal Service Worker, P.O. Box 5026, Koliganek, Alaska 99576, phone: (907) 596–3425, fax: (907) 596–3462, Alaska Region.
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YUPIK ESKIMO	New Stuyahok Village,[1] Wassillie Andrews, Tribal Administrator, P.O. Box 49, New Stuyahok, Alaska 99637, phone: (907) 693–3102/3173, fax: (907) 693–3179, Alaska Region.
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YUPIK ESKIMO	Newhalen Village,[1] Joanne Wassillie/Maxine Wasillie, Tribal Administrator/ICWA Worker, P.O. Box 207, Newhalen, Alaska 99606–0207, phone: (907) 571–1410, fax: (907) 571–1537, Alaska Region.
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YUPIK ESKIMO	Newtok Village, Tom John, Tribal Court, P.O. Box 5545, Newtok, Alaska 99559–5545, phone: (907) 237–2314, fax: (907) 237–2428, Alaska Region.
YUPIK ESKIMO	Native Village of Nightmute,[1] Noah Lawrence, Administrator, Box 90021, Nightmute, Alaska 99690, phone: (907) 647–6215, fax: (907) 647–6112, Alaska Region.

YUPIK ESKIMO	Native Village of Nightmute,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Nunakauyarmiut Tribe (Native Village of Toksook Bay), Marcella White/Simeon John, ICWA Coordinator/Council President, P.O. Box 37048, Toksook Bay, Alaska 99637, phone: (907) 427–7914/7114, fax: (907) 427–7206/7714, Alaska Region.
YUPIK ESKIMO	Nunam Iqua (formerly Sheldon's Point),[1] Edward J. Admas, Sr., Tribal President, P.O. Box 27, Nunam Iqua, Alaska 99666, phone: (907) 498–44911, fax: (907) 498–4185, Alaska Region.
YUPIK ESKIMO	Nunam Iqua (formerly Sheldon's Point),[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Nunapitchuk, Alexandria Tobeluk, Community Family Service Specialist/ICWA, P.O. Box 104, Nunapitchuk, Alaska 99641–0130, phone: (907) 527–5731, fax: (907) 527–5732, Alaska Region.
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YUPIK ESKIMO	Orutsararmuit Native Vilage (aka Bethel), Vicki Koehler, Social Services Director, P.O. Box 327, Bethel, Alaska 99559, phone: (907) 543–2608, fax: (907) 543–0520, Alaska Region.
YUPIK ESKIMO	Oscarville Traditional Village,[1] Andrew J. Larson Jr., ICWA/CFSS Worker, P.O. Box 6129, Napaskiak, Alaska 99559, phone: (907) 737–7100, fax: (907) 737–7428/7101, Alaska Region.
YUPIK ESKIMO	Oscarville Traditional Village,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Paimiut, Agatha Napoleon, Clerk/Envronmental Programs, P.O. Box 230, Hooper Bay, Alaska 99604, phone: (907) 758–4002, fax: (907) 758–4024, Alaska Region.
YUPIK ESKIMO	Pilot Station Traditional Village,[1] Wassillie E. Myers, Tribal Council President, P.O. Box 5119, Pilot Station, Alaska 99650–5119, phone: (907) 549–3373, fax: (907) 549–3301, Alaska Region.
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YUPIK ESKIMO	Native Village of Pitka's Point, Ruth Riley, President, P.O. Box 127, St. Mary's, Alaska 99658, phone: (907) 438–2833, fax: (907) 438–2569, Alaska Region.
YUPIK ESKIMO	Platinum Traditional Village, Traditional President and ICWA Worker, P.O. Box 8, Platinum, Alaska 99651, phone: (907) 979–8610, fax: (907) 979–8178, Alaska Region.
YUPIK ESKIMO	Portage Creek Village (aka Ohgensakale),[1] Mary Ann Johnson, Tribal Administrator, 1327 E. 72nd Ave, Unit B, Anchorage, Alaska 99508, phone: (907) 277–1105, fax: (907) 277–1104, Alaska Region.
YUPIK ESKIMO	Portage Creek Village (aka Ohgensakale),[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Quinhagak (*See* Kwinhagak).
YUPIK ESKIMO	Village of Red Devil,[1] Tribal Administrator, P.O. Box 27, Red Devil, Alaska 99656, phone: (907) 447–3223, fax: (907) 447–3224, Alaska Region.
YUPIK ESKIMO	Village of Red Devil,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Russian Mission (*See* Iqurmuit Traditional Council).
YUPIK ESKIMO	Native Village of Saint Michael, Shirley Martin, IRA President, P.O. Box 59050, St. Michael, Alaska 99659, phone: (907) 923–2304/2405, fax: (907) 923–2406, Alaska Region.
YUPIK ESKIMO	Native Village of Savoonga, Ronnie Toolie, Council Member, Tribal President, P.O. Box 120, Savoonga, Alaska 99769, phone: (907) 984–6211, fax: (907) 984–6156, Alaska Region.
YUPIK ESKIMO	Native Village of Scammon Bay,[1] Regina Black/Brandon Aguckak, ICWA Community Family Service Specialist/Executive Director, P.O. Box 110, Scammon Bay, Alaska 99662, phone: (907) 558–5078/5127, fax: (907) 558–5134, Alaska Region.
YUPIK ESKIMO	Native Village of Scammon Bay,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Sheldon's Point (*See* Nunam Iqua).
YUPIK ESKIMO	Village of Sleetmute, Gladys Fredericks, ICWA Worker, P.O. Box 109, Sleetmute, Alaska 99668, phone: (907) 449–4225, fax: (907) 449–4203, Alaska Region.
YUPIK ESKIMO	South Naknek Village,[1] Lorianne Rawson, Tribal Administrator, P.O. Box 70029, South Naknek, Alaska 99670, phone: (907) 246–8614, fax: (907) 246–8613, Alaska Region.
YUPIK ESKIMO	South Naknek Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	St. Mary's (*See* Algaaciq).
YUPIK ESKIMO	Village of Stony River,[1] President, P.O. Box SRV, Birch Road, Stony River, Alaska 99557, phone: (907) 537–3253, fax: (907) 537–3254, Alaska Region.
YUPIK ESKIMO	Village of Stony River,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
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YUPIK ESKIMO	Traditional Village of Togiak,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.

YUPIK ESKIMO	Toksook Bay (*See* Nunakauyarmiut Tribe).
YUPIK ESKIMO	Tuluksak Native Community,[1] Joseph Alexie/Margaret Andrew, President/ICWA Coordinator, P.O. Box 95, Tuluksak, Alaska 99679, phone: (907) 695–6902/6420, fax: (907) 695–6903/6932, Alaska Region.
YUPIK ESKIMO	Tuluksak Native Community,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Tuntutuliak,[1] Robert Enock, Tribal Administrator, P.O. Box 8086, Tuntutuliak, Alaska 99680, phone: (907) 256–2128, fax: (907) 256–2080, Alaska Region.
YUPIK ESKIMO	Native Village of Tuntutuliak,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
YUPIK ESKIMO	Native Village of Tununak,[1] Edna Flynn, ICWA Worker, P.O. Box 77, Tununak, Alaska 99681–0077, phone: (907) 652–6220, fax: (907) 652–6011, Alaska Region.
YUPIK ESKIMO	Native Village of Tununak,[2] Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, Alaska 99559, phone: (907) 543–7440, fax: (907) 543–5759, Alaska Region.
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YUPIK ESKIMO	Twin Hills Village,[2] Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, Alaska 99576, phone: (907) 842–4139, fax: (907) 842–4106, Alaska Region.
YUPIK ESKIMO	Umkumiute Native Village, Jay A. Dull, Sr., President, P.O. Box 96062, Nightmute, Alaska 99690, phone: (907) 647–6145, fax: (907) 647–6146, Alaska Region.
YUPIK ESKIMO	Native Village of Upper Kalskag (*See* Kalskag).

Dated: March 26, 2009.

George T. Skibine,

Deputy Assistant Secretary for Policy & Economic Development.

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