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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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

RIN 3245–AF93

American Recovery and Reinvestment Act: America's Recovery Capital (Business Stabilization) Loan Program

AGENCY: U.S. Small Business Administration.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule implements section 506 of the American Recovery and Reinvestment Act of 2009, which authorizes SBA to establish a temporary program to guarantee loans to viable small business concerns that have a qualifying small business loan, and are experiencing immediate financial hardship. Loans made under this program, referred to as ''America's Recovery Capital Loan Program'' (ARC Loan Program) can be used to make principal and interest payments on existing qualifying small business loans.

DATES: *Effective Date:* This rule is effective June 9, 2009.

Comment Date: Comments must be received on or before August 10, 2009.

ADDRESSES: You may submit comments, identified by RIN: 3245–AF93 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Janet A. Tasker, Office of Capital Access, Small Business Administration, 409 Third Street, SW., Washington, DC 20416.
- *Hand Delivery/Courier:* Janet A. Tasker, Office of Capital Access, Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

SBA will post all comments on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov*, please submit the information to Janet A. Tasker, Office of Capital Access, Small Business Administration, 409 Third Street, SW., Washington, DC 20416, or send an e-mail to *ARCloanprogram@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination as to whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Janet A. Tasker, Office of Capital Access, Small Business Administration, 409 Third Street, SW., Washington, DC 20410 or via e-mail at *ARCloanprogram@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

The American Recovery and Reinvestment Act of 2009 (the Recovery Act), Public Law 111–5, 123 Stat. 115, was enacted on February 17, 2009, to, among other things, promote economic recovery by preserving and creating jobs, and assisting those most impacted by the severe economic conditions facing the nation. SBA is one of several agencies that are intended to play a role in achieving these goals. SBA received funding and authority through the Recovery Act for several actions to help small business lending, including authority to establish a new temporary loan program to help troubled businesses.

One provision included in the Recovery Act is to provide SBA with temporary authority to fully guarantee loans (ARC Loans) to viable small businesses that have a qualifying small business loan(s) and are experiencing immediate financial hardship. In order to implement this change, SBA will amend the business loan regulations in 13 CFR part 120 to add the requirements which must be met by lenders and borrowers participating in the ARC Loan Program. The requirements for the ARC Loan Program will be promulgated under new § 120.398.

II. Section by Section Analysis

Sections 120.398(a) and (b) set forth the statutory purpose of the ARC Loan Program and define terms used in the regulation. The purpose of the ARC Loan Program is to enable SBA to guarantee loans to viable small businesses that are experiencing immediate financial hardship. SBA is applying the rules and other requirements of the 7(a) program to the ARC Loan Program except as specifically set forth in section 120.398 of the regulations. Accordingly, only 7(a) lenders may make ARC Loans. Lenders who are not currently 7(a) lenders may apply to participate in this and the 7(a) program.

The regulation defines an eligible borrower, a going concern, a viable small business, and a qualifying small business loan consistent with the requirements of the Recovery Act. The definition of eligible borrower includes the basic eligibility requirements and ineligibility provisions for small businesses contained in sections 120.100 and 120.110, respectively, of this Part. Section 1604 of the Recovery Act states that no funds appropriated or otherwise made available in the Recovery Act may be used by any private entity for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool. Casinos and gambling establishments are currently ineligible for SBA financial assistance under § 120.110. Aquariums, zoos, golf courses and swimming pools are eligible for SBA financial assistance under the Small Business Act and the Small Business Investment Act; however, they are not eligible for assistance under the Recovery Act. For that reason, SBA has determined that small business concerns with the following primary industry North American Industry Classification System (NAICS) codes are ineligible for ARC Loans: (a) 713210 (Casinos (Except Casino Hotels)); (b) 721120 (Casino Hotels); (c) 713290 (Other Gambling Industries); (d) 713910 (Golf Courses and Country Clubs); and (e) 712130 (Zoos and Botanical Gardens). Applications submitted by small business concerns with a primary industry NAICS code of 713940 (Fitness and Recreational Sports Centers), which includes both swimming pools and other types of fitness and recreational centers, will be identified and reviewed by SBA to determine eligibility in accordance with the Recovery Act statutory restriction on assistance to swimming pools. A ''going concern'' is defined as a small business that is actively engaging in business with the expectation of indefinite continuance.

The definition of ''qualifying small business loan'' incorporates the provisions of eligible uses of proceeds in § 120.120, and ineligible uses of proceeds included in §§ 120.130 and 102.160(d), respectively. A ''viable small business'' is a going concern that is having difficulty making periodic payments of principal and interest on qualifying small business loans and/or meeting the operating expenses of the business, provided it can reasonably demonstrate its projected operation for a reasonable period beyond the six month period of payment assistance with an ARC Loan.

Section 120.398(c) establishes that the ARC Loan Program terminates when appropriated funds are exhausted or on September 30, 2010, whichever is sooner.

Section 120.398 (d) describes the permissible use of proceeds for an ARC Loan. It implements the Recovery Act requirement that an ARC Loan must be used to make periodic payments of principal and interest for up to six (6) months, on one or more existing qualifying small business loans. However, under the Recovery Act, an ARC Loan cannot be used to make payments on loans made or guaranteed by SBA prior to February 17, 2009. Loans excluded under this provision include 7(a) loans guaranteed by SBA, Development Company 504 loans/debentures guaranteed by SBA, SBA disaster loans made to small businesses, and SBA loans made to microloan intermediaries, in each case if made prior to February 17, 2009. Lenders are encouraged to defer, or, if appropriate, restructure these excluded loans to best assist the small businesses. ARC Loans may be used to make payments on loans made or guaranteed by SBA on or after February 17, 2009.

Section 120.398(e) establishes basic loan terms for ARC Loans: SBA will guaranty 100% of each ARC Loan; the interest rate on an ARC Loan shall be published by the Agency in the **Federal Register**; the maximum amount of an ARC Loan shall not exceed $35,000; and the maturity shall be up to six and one-half years. In addition, a lender's disbursements of an ARC loan must be made during a period not exceeding six (6) consecutive months; the borrower will be responsible for all principal payments, but will not be required to make interest payments on the ARC Loan; SBA will make interest payments to the lender on the ARC Loan; a borrower of an ARC loan does not have to make any repayments during the disbursement period and for twelve (12) months after final disbursement; repayment of an ARC Loan shall commence no later than thirteen (13) months after final disbursement; and the loan balance shall be fully amortized over the next five (5) years. SBA will pay interest to the lender only until the date 120 days after the earliest uncured payment default on the ARC Loan. In addition, the amounts paid by SBA for interest and/or the guarantee at the time of purchase will be adjusted to reconcile for any over- or underpayments of interest identified throughout the life of the loan. To accommodate timing delays in disbursing the ARC Loan after approval, SBA will allow up to two months after approval to begin disbursement of the ARC Loan. Once the first disbursement of an ARC Loan is made, the disbursement period may not exceed six consecutive months.

Section 120.398(f) provides that no small business may obtain more than one ARC Loan in order to ensure both a comprehensive analysis of a small business' viability as well as to ensure the availability of funding to support the maximum number of small businesses.

Section 120.398(g) provides that a holder of at least 20 percent ownership of the small business must generally guarantee the ARC Loan. This requirement is identical to the 7(a) loan program requirement.

Section 120.398(h) provides that a lender shall secure its ARC loans consistent with the collateral policies and procedures that it has established and implemented for its similarly-sized non-SBA guaranteed commercial loans. The Lender's collateral policies must be commercially reasonable and prudent. SBA will allow lenders to charge borrowers for the direct cost of securing and liquidating collateral and SBA will reimburse lenders for the direct costs of liquidating collateral that are not reimbursed by borrowers (consistent with SBA's established practices) in the event of default. However, SBA will limit reimbursement of the direct costs of liquidation to the amount of the recovery received on an ARC Loan.

Section 120.398(i) provides that an applicant for an ARC Loan must be a creditworthy small business with a reasonable expectation of repayment, taking into consideration the following: (1) Character, reputation, and credit history of the applicant (and the Operating Company, if applicable) and its Associates; (2) experience and depth of management; (3) strength of the business; (4) past earnings, current earnings, and projected cash flow; and (5) ability to repay the loan with earnings from the business.

Section 120.398(j) prescribes certification requirements for each ARC Loan. In addition to the certification requirements applicable to 7(a) loans generally, including, for example, the certification that the borrower is current with all Federal, state and local taxes (or is current in making payments on an executed agreement with the appropriate taxing authority) and will stay current with all such tax obligations, borrowers must submit a statement certifying that they are experiencing immediate financial hardship and provide documentation to support the certification. SBA will provide additional guidance on what constitutes immediate financial hardship in the procedural guidance and forms developed to administer the ARC Loan Program.

Section 120.398(k) was added to describe the content of an ARC Loan application. At a minimum, ARC Loan applications must include information on the nature and history of the small business, current and historical financial statements (or tax returns) and such additional information as SBA may require. The provisions of section 120.191 do not apply to ARC Loans.

Section 120.398(l) allows lenders to use the proceeds of an ARC Loan to make periodic payments of principal and interest on a loan held by the lender, without SBA's consent. This provision is consistent with the intention of Section 506 of the Recovery Act to assist viable small businesses facing immediate financial hardship to make periodic payments of principal and interest on existing loans, whether or not held by the same lender because it is reasonable to expect that the vast majority of lenders making ARC Loans will have an established lending relationship with the borrower. This subsection also provides that certain sections in Part 120 which prohibit preferences shall not be applicable to ARC Loans. These sections are 120.10, 120.536(a)(2) and 120.925. In addition, the provisions of section 120.201 restricting refinancing do not apply to ARC Loans. Section 120.201 provides that a borrower may not use 7(a) loan proceeds to pay any creditor in a position to sustain a loss.

The Recovery Act prohibits SBA from charging any loan fees for ARC Loans. With the exception of charging borrowers for the direct costs of securing and liquidating collateral for ARC Loans, SBA has determined that lenders may not charge fees or other costs to borrowers who receive ARC Loans. Lenders are receiving 100% SBA guarantees on loans with reasonable interest rates that will be paid by SBA, made to small businesses that are experiencing financial hardships. Further, lenders are allowed to use the

proceeds of ARC Loans to make periodic principal and interest payments on loans they hold and/or service, which improves their financial position relative to their original loan. This combination of factors led SBA to conclude that lender-charged fees are not appropriate for ARC Loans or consistent with the intent of the Recovery Act. Excluded fees include, but are not limited to, points, bonus points, prepayment penalties, brokerage fees, fees for processing, origination, or application, and out of pocket expenses other than the direct costs of securing and liquidating collateral. While the Recovery Act does not prohibit SBA from charging fees to lenders on ARC Loans, SBA has determined that in order to encourage program participation, SBA will not charge any fees to lenders making ARC Loans. These provisions are included in § 120.398(m).

Section 120.398 (n) provides that Lender reporting to SBA will be consistent with requirements established by SBA from time to time for 7(a) loans and loans made under the Recovery Act.

Sections 120.398(o) and (p) provide that ARC Loans will be serviced and liquidated by the lender originating the ARC Loan, in accordance with the practices and procedures that the Lender uses for its non-SBA guaranteed commercial loans. The practices must be commercially reasonable and consistent with prudent lending standards and in accordance with SBA Loan Program requirements defined in Section 120.10. SBA will provide additional guidance on how lenders shall service and liquidate ARC Loans in the procedural guidance developed to administer the ARC Loan Program.

Only the originating lender can request SBA to honor its guaranty if the ARC Loan goes into default. Section 120.398(q) establishes the standards for purchasing guarantees. Lenders may request SBA to purchase an ARC Loan when there has been an uncured payment default exceeding 60 days or when the borrower has declared bankruptcy. SBA requires Lenders to submit loans for purchase no later than 120 days after the earliest uncured payment default on the ARC Loan. Additionally, SBA may honor its guarantee and require a Lender to submit an ARC Loan for purchase at any time. Lenders are required to complete recovery actions on ARC Loans after purchase. SBA will provide additional guidance on how lenders shall request purchase of an ARC Loan in the procedural guidance developed to administer the ARC Loan Program.

Section 120.398(r) provides that ARC Loans cannot be sold in the secondary market nor may a lender participate a portion of an ARC loan with another lender. As noted above, it is the originating lender who must make the request to SBA to honor its guaranty if an ARC Loan defaults.

Funding for the ARC Loan Program is limited. In order to ensure that the ARC Loans are available to small businesses to the maximum extent possible, section 120.398(s) was included in the rule to inform ARC Loan Program participants that SBA has the right to allocate volume to providers of ARC Loans. With this provision, SBA will be able to ensure that all lenders have access to ARC Loans to support small businesses.

Section 120.398(t) provides that SBA may allow lenders to use their delegated authority to process ARC Loans. SBA will provide additional guidance on how delegated and non-delegated lenders may participate in the procedural guidance developed to administer the ARC Loan Program.

Given that the small businesses eligible for ARC Loans are experiencing immediate financial hardship, the availability of additional personal resources from alternative sources is considered remote. Section 120.398(u) was added stating that the provisions of section 120.102 requiring a personal resources test are not applicable to ARC Loans.

Section 120.398(v) provides that the provisions of section 120.151 which limit the aggregate amount of the SBA portions of all loans to a single borrower, including the borrower's affiliates, to a certain guaranty amount are not applicable to ARC Loans.

III. Justification for Publication as Interim Final Rule

In general, before issuing a final rule, SBA publishes the rule for public comment in accordance with the Administrative Procedure Act (APA), 5 U.S.C. 553. The APA provides an exception from the general rule where the agency finds good cause to omit public participation. 5 U.S.C. 553(c)(3)(B). The good cause requirement is satisfied when prior public participation can be shown to be impracticable, unnecessary, or contrary to the public interest. Under such circumstances, an agency may publish an interim final rule without first soliciting public comment.

In enacting the good cause exception to standard rulemaking procedures, Congress recognized that emergency situations arise where an agency must issue a rule without public participation. The current turmoil in the financial markets is having a negative impact on the availability of financing for small businesses. There is an urgent need to assist viable small businesses that are experiencing financial hardships due to the current economic environment. The ARC Loan Program is designed to provide an immediate infusion of capital to small businesses to assist with making periodic payments of principal and interest. A delay in obtaining the financing needed by these small businesses will, in many cases, have a direct impact on their survivability.

SBA finds that good cause exists to publish this rule as an interim final rule in light of the urgent need to help small businesses sustain and survive during this economic downturn. Advance solicitation of comments for this rulemaking would be impracticable, contrary to the public interest, and would harm those small businesses that need immediate relief on eligible debt. In addition, the Recovery Act mandates that the SBA issue emergency regulations to implement the ARC Loan Program and specifically exempts any such regulations from the notice and comment requirement of the APA.

Although this rule is being published as an interim final rule, comments are solicited from interested members of the public. These comments must be submitted on or before August 10, 2009. The SBA will consider these comments and the need for making any amendments as a result of these comments.

IV. Justification for Immediate Effective Date

The APA requires that ''publication or service of a substantive rule shall be made not less than 30 days before its effective date, except * * * as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of this provision is to provide interested and affected members of the public sufficient time to adjust their behavior before the rule takes effect.

The ARC Loan Program is designed to provide an immediate infusion of capital to small businesses to assist with making periodic payments of principal and interest. A delay in obtaining the financing needed by these small businesses will, in many cases, have a direct impact on their survivability making it necessary to implement this rule immediately. Lenders making ARC Loans might need time to make system adjustments; however this time is mitigated by the benefits to lenders and small businesses from immediate

implementation of the ARC Loan Program.

In light of the urgent need to help small businesses sustain and survive during this economic downturn, SBA finds that there is good cause for making this rule effective immediately instead of observing the 30-day period between publication and effective date. Delaying implementation of the rule would have a serious adverse impact on the nation's small businesses.

Compliance With Executive Orders 12866, 12988, 13175 and 13132, the Paperwork Reduction Act (44 U.S.C., Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rule constitutes a significant regulatory action for purposes of Executive Order 12866.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

This rule does not have federalism implications as defined in Executive Order 13132. 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 the Executive Order. As such it does not warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The SBA has determined that this interim final rule imposes reporting and recordkeeping requirements as defined under the Paperwork Reduction Act, 44 U.S.C. Chapter 35. This additional information consists of the four forms described below that are necessary to process applications for assistance under the ARC Loan Program. SBA has submitted these information collections to OMB for review under the emergency review proceedings. Emergency review and approval will facilitate urgent implementation of the ARC Loan Program, which is expected to provide debt relief to small businesses that are currently facing financial hardship, including difficulties repaying existing debt. Delay in implementing the loan program would only exacerbate the already critical economic conditions facing these eligible small business concerns.

A. *Title and Description of Information Collection:* SBA Form 2315: America's Recovery Capital (ARC) Borrower Information Form.

Purpose: The information collected on this form is modeled on two currently approved information collections: OMB Control #3245–0016, SBA's 7(a) loan application, and OMB Control #3245–0178, Statement of Personal History, which is used to collect personal information on the individuals associated with the small business loan applicant. Those two collections of information will not be discontinued; they will continue to be used for their approved purposes. The application information requested includes identifying information regarding the applicant and its principals, including indebtedness; current or previous government financing; suspension or debarment history; and certain other disclosures regarding principals' criminal history. The personal information facilitates borrower background checks as authorized by Section 7(a)(1)(B) of the Small Business Act, 15 U.S.C. 636(a)(1)(B).

OMB Control Number: New collection.

Description of and Estimated Number of Respondents: This information will be collected from the small business concerns that are applying for financial assistance under the ARC program. SBA estimates 12,000 small businesses will submit applications over the course of a year.

Estimated Number of Responses: Each small business concern can submit only one application under the ARC loan program; therefore the estimated number of responses is 12,000.

Estimated Response Time: 10 minutes.

Total Estimated Annual Hour Burden: 2,000 hours.

B. *Title and Description:* Form 2316 (Part A): America's Recovery Capital (ARC) Loan Guaranty Request.

Purpose: This information collection is submitted by approximately non-delegated lenders seeking SBA's guarantee on an ARC loan. The information is provided along with Forms 2316 (Part B) and (Part C) to the SBA's 7(a) Loan Processing Centers.

OMB Control Number: New collection.

Description of and Estimated Number of Respondents: 400 non-delegated lenders (these lenders are a subset of the total estimated 2,000 lenders who will participate in the ARC program) who will not submit information through E–Tran.

Estimated Number of Responses: 840.

Estimated Response Time: 5 minutes per response.

Estimated Annual Hour Burden: 70 hours.

C. *Title and Description:* Form 2316 (Part B): Supplemental Information for America's Recovery Capital (ARC) Loan Guaranty Request.

Purpose: Since ARC loans are specifically to be used to make payments on existing business loans, the form is designed to more easily identify which debt(s) have been reduced through the use of ARC loan proceeds. In addition, in order to facilitate required reporting under the Recovery Act, this form also collects information on the number of jobs created or retained as a result of the ARC loan financing.

OMB Control Number: New collection.

Description of and Estimated Number of Respondents: This form may be submitted by all lenders participating in the SBA's 7(a) loan program. We estimate that a total of 2,000 lenders will submit this information collection.

Estimated Number of Responses: 12,000.

Estimated Response Time: 15 minutes.

Total Estimated Annual Hour Burden: 3,000 hours.

D. *Title and Description*: Form 2316 (Part C), Eligibility Information Required for America's Recovery Capital (ARC) Loan Submission.

Purpose: The information will be used to determine whether the loan application meets the eligibility criteria for an ARC Loan, as stated in this regulation.

OMB Control Number: New collection.

Description of and Estimated Number of Respondents: This form may be submitted by all lenders participating in the SBA's 7(a) loan program. We estimate that a total of 2,000 lenders will submit this information collection.

Estimated Number of Responses: 12,000.

Estimated Response Time: 10 minutes.

Total Estimated Annual Hour Burden: 2,000 hours.

SBA invites comments on these information collections, particularly on: (1) Whether the proposed collection of information is necessary for the proper performance of SBA's functions, including whether the information will have a practical utility; (2) the accuracy of SBA's estimate of the burden of the proposed collections of information; (3)

ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Please send comments by the closing date for comment for this interim final rule to SBA Desk Officer, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503 and to Janet A. Tasker, Office of Capital Access, Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Regulatory Flexibility Act

Because this rule is an interim final rule, there is no requirement for SBA to prepare a Regulatory Flexibility Act (RFA) analysis. The RFA requires administrative agencies to consider the effect of their actions on small entities, small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare analysis that describes whether the impact of the rule will have a significant economic impact on a substantial number of small entities. However, the RFA requires such analysis only where notice and comment rulemaking is required.

List of Subjects in 13 CFR Part 120

Loan programs—business, Small businesses.

■ For the reasons stated in the preamble, SBA amends 13 CFR part 120 as follows:

PART 120—BUSINESS LOANS

■ 1. The authority citation for 13 CFR part 120 is revised to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h), and note, 636(a), (h) and (m), 650, 687(f), 696(3), and 697(a) and (e); Public Law 111–5, 123 Stat. 115.

■ 2. Add a new undesignated center heading and new § 120.398 to subpart C to read as follows:

America's Recovery Capital (Business Stabilization) Loan Program—ARC Loan Program

§ 120.398 America's Recovery Capital (ARC) Loan Program.

(a) *Purpose.* The purpose of the ARC Loan Program is to enable SBA to guarantee certain loans to viable small businesses that are experiencing immediate financial hardship. Loans made under this loan program are referred to as ARC Loans and are subject to the requirements set forth in this Part for 7(a) loans except as noted in this section.

(b) *Definitions.*

(1) (i) *Eligible Borrower* is a small business concern as defined in Section 3 of the Small Business Act and § 120.100. Eligible Borrower does not include:

(A) Ineligible small businesses as listed in § 120.110; and

(B) Small business concerns with the following primary industry North American Industry Classification System (NAICS) codes:

(*1*) 713210 (Casinos (Except Casino Hotels));

(*2*) 721120 (Casino Hotels);

(*3*) 713290 (Other Gambling Industries);

(*4*) 713910 (Golf Courses and Country Clubs); and

(*5*) 712130 (Zoos and Botanical Gardens).

(ii) Applications submitted by small business concerns with a primary industry NAICS code of 713940 (Fitness and Recreational Sports Centers) will be identified and reviewed by SBA to determine eligibility in accordance with the statutory restriction on assistance to swimming pools.

(2) *Going Concern* is a small business concern actively engaging in business with the expectation of indefinite continuance.

(3) *Qualifying Small Business Loan* is a loan previously made to an Eligible Borrower for any of the purposes set forth in § 120.120 and not for any of the purposes set forth in § 120.130 or 120.160(d). Qualifying Small Business Loans may include credit card obligations, capital leases for major equipment and vehicles, notes payable to vendors or suppliers, loans in the first lien position made by commercial lenders in connection with the Development Company Loan Program (504), home equity loans used to finance business operations, other loans to small businesses made without an SBA guaranty, and loans made by or with an SBA guaranty on or after February 17, 2009. Loans made or guaranteed by SBA before February 17, 2009 are not Qualifying Small Business Loans for the purposes of the ARC Loan Program. A Qualifying Small Business Loan may not be used as the basis for more than one ARC Loan but ARC Loans may be used to pay multiple Qualifying Small Business Loans.

(4) *Viable small business* is a small business that is a Going Concern but which is having difficulty making periodic payments of principal and interest on Qualifying Small Business Loan(s) and/or meeting operating expenses of the business although it can reasonably demonstrate its projected continued operation for a reasonable period beyond the six month period of payment assistance with an ARC Loan.

(c) *Period of program.* The ARC Loan Program is authorized through September 30, 2010, or until appropriated funds are exhausted, whichever is sooner.

(d) *Use of proceeds.* Loans made under the ARC Loan Program are for the sole purpose of making periodic payments of principal and interest (including default interest), in full or in part, for up to six (6) months, on one or more existing Qualifying Small Business Loans. ARC Loan proceeds cannot be used to make payments on loans made or guaranteed by SBA prior to February 17, 2009.

(e) *Loan terms.*

(1) *Guaranty percentage.* ARC Loans are 100% guaranteed by SBA.

(2) *Maximum loan size.* An ARC Loan may not exceed $35,000.

(3) *Interest rate.* The interest rate for ARC Loans will be published by SBA in the **Federal Register.**

(4) *Loan maturity.* An ARC Loan may be made with a maturity of up to six and one-half years.

(5) *Disbursement period.* The disbursement period for an ARC Loan is up to six consecutive months.

(6) *Loan payments.*

(i) *Borrower's payments.* The borrower will be responsible for all principal payments.

(ii) *Payment of interest by SBA.* SBA will make periodic interest payments to the lender on ARC Loans. Interest will accrue only until the date 120 days after the earliest uncured payment default on the ARC Loan. However, the amount paid by SBA on a defaulted ARC Loan, when it honors its guarantee, will be adjusted to reconcile for any overpayments or underpayments of interest previously paid to the Lender. Interim adjustments to interest paid by SBA to lenders may be made during the term of the ARC Loan and interest payments due the Lender will be adjusted to accommodate the interim interest adjustments.

(iii) *Deferral period.* No principal repayment is required during the disbursement period or for 12 months following the final loan disbursement.

(iv) *Repayment period.* The borrower will be required to pay the loan principal over five years beginning in the 13th month following the final loan disbursement. The ARC Loan balance will be fully amortized over the five year repayment period. Balloon payments may not be required by lenders. The borrower may prepay all or

a portion of the principal during the life of the loan without penalty.

(f) *Number of ARC Loans per small business.* No small business may obtain more than one ARC Loan, but the proceeds of the ARC loan may be used to pay more than one Qualifying Small Business Loan.

(g) *Personal guarantees.* Holders of at least a 20 percent ownership interest in the borrower generally must guarantee the ARC Loan.

(h) *Collateral.* SBA requires each lender to follow the collateral policies and procedures that it has established and implemented for similarly-sized non-SBA guaranteed commercial loans. The lender's collateral policies must be commercially reasonable and prudent. Lenders will certify that the collateral policies applied to the ARC Loan meet this standard. Lenders may charge borrowers the direct cost of securing and liquidating collateral for ARC Loans. SBA will reimburse Lenders for the direct cost of liquidating collateral that are not reimbursed by the borrower in the event of default. Reimbursement of the direct costs of liquidation by SBA to the Lender is limited to the amount of the recovery received on the ARC Loan.

(i) *Credit criteria.* To be approved for an ARC Loan, the applicant must be a creditworthy small business with a reasonable expectation of repayment, taking into consideration the following:

(1) Character, reputation, and credit history of the applicant (and the Operating Company, if applicable) and its Associates;

(2) Experience and depth of management;

(3) Strength of the business;

(4) Past earnings, current earnings, and projected cash flow; and

(5) Ability to repay the loan with earnings from the business.

(j) *Statement of hardship.* In addition to the certifications required for 7(a) loans generally, ARC Loan recipients must submit a statement certifying that they are experiencing immediate financial hardship and provide documentation to support the certification.

(k) *Loan application.* The provisions of § 120.191 do not apply for ARC Loans. A lender making an ARC Loan will provide an application with information on the small business that includes the nature and history of the business, current and historical financial statements (or tax returns), and other information that SBA may require.

(l) *Preferences and refinancing.* A lender may make an ARC Loan to an Eligible Borrower that intends to use the proceeds of the ARC Loan to make periodic payments of principal and interest on a Qualifying Small Business Loan that is owned or serviced by that same lender. The provisions of §§ 120.10, 120.536(a)(2) and 120.925 with regard to Preference for repayments without prior SBA approval do not apply to ARC Loans. The provisions of § 120.201 restricting refinancing also do not apply to ARC Loans.

(m) *Loan fees.* Neither the lender nor SBA shall impose any fees or direct costs on a borrower of an ARC Loan, except that lenders may charge borrowers for the direct costs of securing and liquidating collateral for the ARC Loan. Fees include, but are not limited to, points, bonus points, prepayment penalties, brokerage fees, fees for processing, origination, or application, and out of pocket expenses (other than the direct costs of securing and liquidating collateral). SBA will not impose any fees on a lender making an ARC Loan.

(n) *Lender reporting.* Lenders shall report on its ARC Loans in accordance with requirements established by SBA from time to time for 7a loans and loans made under the American Recovery and Reinvestment Act of 2009.

(o) *Loan servicing.* Each originating lender shall service all of its ARC Loans in accordance with the existing practices and procedures that the Lender uses for its non-SBA guaranteed commercial loans. In all circumstances, such practices and procedures must be commercially reasonable and consistent with prudent lending standards and in accordance with SBA Loan Program Requirements as defined in § 120.10. SBA's prior written consent is required for servicing actions that may have significant exposure implications for SBA. SBA may require written notice of other servicing actions it considers necessary for portfolio management purposes.

(p) *Liquidations.* Each Lender shall be responsible for liquidating any defaulted ARC Loan originated by the Lender. ARC Loans will be liquidated in accordance with the existing practices and procedures that the Lender uses for its non-SBA guaranteed commercial loans. In all circumstances, such practices and procedures must be commercially reasonable and consistent with prudent lending standards and in accordance with SBA Loan Program Requirements as defined in Section 120.10. Loans with de minimis value may, at the Lender's request and with SBA's approval, be liquidated by SBA or its agent(s). Significant liquidation actions taken on ARC Loans must be documented. The reimbursement of liquidation related fees by SBA to the Lender is limited to the amount of the recovery on the ARC Loan.

(q) *Purchase requests.* Any purchase request to SBA to honor its guaranty on a defaulted ARC Loan shall be made by the originating lender. Lenders may request SBA to purchase an ARC Loan when there has been an uncured payment default exceeding 60 days or when the borrower has declared bankruptcy. SBA requires Lenders to submit loans for purchase no later than 120 days after the earliest uncured payment default on the ARC Loan. Additionally, SBA may honor its guarantee and require a Lender to submit an ARC Loan for purchase at any time. Except as noted above, the Lender is required to complete all recovery actions on the ARC Loan after purchase.

(r) *Prohibition on secondary market sales and loan participations.* A lender may not sell an ARC loan into the secondary market nor may a lender participate a portion of an ARC loan with another lender.

(s) *Loan volume.* SBA reserves the right to allocate loan volume under the ARC Loan Program among Lenders (as defined in § 120.10).

(t) *Delegated authority.* SBA may allow lenders to use their delegated authority to process ARC Loans.

(u) *Personal resources test.* The personal resources test provisions of § 120.102 do not apply to ARC Loans.

(v) *Statutory loan limit.* The provisions of § 120.151 do not apply to ARC Loans.

Karen G. Mills,

Administrator.

[FR Doc. E9–13480 Filed 6–8–09; 8:45 am]

BILLING CODE 8025–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Labeling Amendment of Blasting Caps

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) is issuing a final rule to supplement the current definition of ''blasting cap'' in its regulations under the Federal Hazardous Substances Act. The final rule simply uses the term ''detonator'' in addition to the term ''blasting cap'' to reflect the current usage of those terms in the explosives industry.

DATES: The final rule becomes effective June 9, 2009.

FOR FURTHER INFORMATION CONTACT: Hyun Sun Kim, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7632, e-mail *hkim@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The regulations promulgated under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1276, require cautionary labeling of hazardous substances. 16 CFR part 1500. Under 16 CFR 1500.83(a)(35), individual blasting caps are exempt from bearing the statement, ''Keep out of the reach of children,'' or its practical equivalent, if: (i) Each cap bears conspicuously in the largest type size practicable the statement, ''DANGEROUS—BLASTING CAPS—EXPLOSIVE'' and; (ii) the outer carton and any accompanying printed matter bear appropriate, complete cautionary labeling.

On October 16, 2006, the Institute of Makers of Explosives (IME) petitioned the Commission to amend the regulations at 16 CFR 1500.83(a)(35), to allow the use of the term ''detonator'' to be used interchangeably with the term ''blasting cap.'' The petition was docketed as HP 07–1 and, on December 12, 2006, the Commission published a notice in the **Federal Register** (71 FR 74488) stating that it had received the petition and inviting public comment on the petition. No comments were received.

IME specifically requested adding the term ''detonator'' to the regulation as follows (added text is underlined):

> Individual *detonators or* blasting caps are exempt from bearing the statement, ''Keep out of the reach of children,'' or its practical equivalent, if:
>
> (i) Each *detonator or* cap bears conspicuously in the largest type size practicable the statement, ''DANGEROUS—BLASTING CAPS—EXPLOSIVE'' *or ''DANGEROUS—DETONATOR—EXPLOSIVE'';*

According to IME, the terms ''detonator'' and ''blasting cap'' generally are synonymous in the explosives community. IME asserts that the term ''detonator'' may be interpreted as being more inclusive and is more commonly used than the term ''blasting cap.'' To minimize the possibility that an individual may not take recommended precautions when handling initiating devices, IME states that it has encouraged the use of the term ''detonator'' instead of the term ''blasting cap'' whenever possible. IME states that there is no practical benefit to requiring the use of both the term ''detonator'' and ''blasting cap'' on printed warnings given the limited space available on small detonators. IME does not advocate replacing the term ''blasting cap'' with ''detonator'' at this time.

The Commission believes that the technical amendment will convey useful information concerning the scope of the labeling requirements for these devises. Because the term ''detonator'' is used widely, including ''detonator'' in 16 CFR 1500.83(a)(35) will clarify that either a blasting cap or a detonator must bear conspicuously in the largest type size practicable the statement, ''DANGEROUS—BLASTING CAPS—-EXPLOSIVE'' or ''DANGEROUS—DETONATOR—EXPLOSIVE'' as applicable. The inclusion of the term detonator also will increase safety awareness by warning individuals to take precautions when handling these types of devices whether they are referred to as blasting caps or detonators. Because this amendment is technical in nature rather than substantive, notice and comment are not necessary. See 5 U.S.C. 553(b)(3)(B). Moreover, the amendment does not change the substantive obligations of manufacturers of these devises. Accordingly, there is no need to delay the effective date. *Id.* 553 (d)(3).

List of Subjects in 16 CFR Part 1500

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

Conclusion

■ For the reasons discussed the Commission amends 16 CFR 1500.83 to read as follows:

PART 1500—[AMENDED]

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

Authority: 15 U.S.C. 1261–1277.

■ 2. Revise paragraphs (a)(35)introductory text and (a)(35)(i) of § 1500.83 to read as follows:

§ 1500.83 Exemptions for small packages, minor hazards, and special circumstances.

(a) * * *

(35) Individual detonators or blasting caps are exempt from bearing the statement, ''Keep out of the reach of children,'' or its practical equivalent, if:

(i) Each detonator or cap bears conspicuously in the largest type size practicable the statement, ''DANGEROUS—BLASTING CAPS—EXPLOSIVE'' or ''DANGEROUS—DETONATOR—EXPLOSIVE''; and

* * * * *

Dated: June 3, 2009.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E9–13365 Filed 6–8–09; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0286]

Drawbridge Operation Regulations; New Haven Harbor, Quinnipiac and Mill Rivers, CT, Test Schedule Change

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of three bridges; the Ferry Street Bridge and the Grand Avenue Bridge across the Quinnipiac River, and the Chapel Street Bridge across the Mill River, all at New Haven, Connecticut. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed.

DATES: This deviation is effective from May 1, 2009 through October 26, 2009. Comments must reach the Coast Guard on or before November 15, 2009.

ADDRESSES: You may submit comments identified by docket number USCG–2009–0286 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.

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

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2009–0286), indicate the specific section of this document to which each comment applies, and give the reason for each suggestion or recommendation. You may submit your comments and materials online (*http://www.regulations.gov*), or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. 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–2009–0286'' in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, select the Advanced Docket Search option on the right side of the screen, insert USCG–2009–0286 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit either the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001, 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.

Privacy Act

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

Public Meeting

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

Background and Purpose

The Ferry Street Bridge at mile 0.7, across the Quinnipiac River, has a vertical clearance in the closed position of 25 feet at mean high water and 31 feet at mean low water. The Grand Avenue Bridge at mile 1.3, across the Quinnipiac River, has a vertical clearance in the closed position of 9 feet at mean high water and 15 feet at mean low water. The Chapel Street Bridge at mile 0.4, across the Mill River, has a vertical clearance of 7 feet at mean high water and 13 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.213.

The City of New Haven, the owner of the bridges, requested a change to the drawbridge operation regulations for the Ferry Street Bridge across Quinnipiac River at mile 0.7, the Grand Avenue Bridge across the Quinnipiac River at mile 1.3, and the Chapel Street Bridge at mile 0.4, across the Mill River, all at New Haven, Connecticut.

During the past four years the Ferry Street Bridge has undergone a major rehabilitation. During the rehabilitation project the movable spans were removed or left in the open position at various times allowing navigation to pass at all times.

Now that the Ferry Street Bridge is fully operational again, the bridge owner would like to test an alternate drawbridge operation schedule for all its bridges, the Ferry Street Bridge, the Grand Avenue Bridge and the Chapel Street Bridge, to help reduce the burden of crewing these bridges during time periods when there have been few requests to open.

The waterway users are seasonal recreational craft, commercial fishing, and construction vessels.

The existing drawbridge operation regulation listed at 33 CFR 117.213, authorizes a roving crew concept that requires the draw of the Ferry Street Bridge to open on signal from October 1 through April 30, between 9 p.m. and 5 a.m. unless the draw tender is at the Grand Ave. or Chapel Street bridges, in which case, a delay of up to one hour in opening is permitted.

The bridge owner would like to extend the above roving crew concept to be in effect year round.

As a result of all of the above information, the Coast Guard has decided to implement a temporary test deviation to test the requested change to the drawbridge operation regulations.

The public is invited to comment regarding the effectiveness of this temporary test deviation. The Coast Guard will consider all comments received within the comment period before determining whether this proposed rule change should become either a permanent change to the rules, be revised or modified further, or if the existing regulations should remain unchanged.

Under this temporary test deviation, in effect from May 1, 2009 through October 26, 2009, the Ferry Street Bridge, the Grand Avenue Bridge, and the Chapel Street Bridge shall operate as follows:

The Ferry Street Bridge across Quinnipiac River at mile 0.7, shall open on signal for all marine traffic; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., weekdays except Federal holidays, the draw need not be opened for the passage of vessel traffic. From 9 p.m. to 5 a.m., the draw shall open on signal if at least a one hour advance notice is given to the draw tender at the Chapel Street Bridge by calling (203) 946–7618.

The Grand Avenue Bridge across Quinnipiac River at mile 1.3, shall open on signal for all marine traffic; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., weekdays except Federal holidays, the draw need not be opened for the passage of vessel traffic. From 9 p.m. to 5 a.m. the draw shall open on signal if at least a one hour

advance notice is given to the draw tender at the Chapel Street Bridge by calling (203) 946–7618.

The Chapel Street Bridge across the Mill River at mile 0.4, shall open on signal for all marine traffic; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., weekdays except Federal holidays, the draw need not be opened for the passage of vessel traffic. From 9 p.m. to 5 a.m. the draw shall open on signal if at least a one hour advance notice is given to the draw tender by calling (203) 946–7618.

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 27, 2009.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E9–13369 Filed 6–8–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 010319075–1217–02]

RIN 0648–XP65

Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category

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

ACTION: Temporary rule; tilefish Full-time Tier 2 permit category closure.

SUMMARY: NMFS announces that the percentage of the tilefish annual total allowable landings (TAL) available to the Full-time Tier 2 permit category for the 2009 fishing year will be harvested prior to the end of the fishing year. Commercial vessels fishing under the tilefish Full-time Tier 2 permit may not harvest tilefish from within the Golden Tilefish Management Unit for the remainder of the 2009 fishing year. Regulations governing the tilefish fishery require publication of this notification to advise the public of this closure.

DATES: Effective 0001 hrs local time, June 6, 2009, through 2400 hrs local time, October 31, 2009.

FOR FURTHER INFORMATION CONTACT: Anna Macan, Fisheries Management Specialist, at (978) 281–9165.

SUPPLEMENTARY INFORMATION: Regulations governing the tilefish fishery are found at 50 CFR part 648. The regulations require annual specification of a TAL for federally permitted tilefish vessels harvesting tilefish from within the Golden Tilefish Management Unit. The Golden Tilefish Management Unit is defined as an area of the Atlantic Ocean from the latitude of the VA and NC border (36°33.36′ N. lat.), extending eastward from the shore to the outer boundary of the exclusive economic zone, and northward to the U.S.-Canada border. After 5 percent of the overall annual tilefish TAL is deducted to reflect landings by vessels issued an open-access Incidental permit category, and after up to 3 percent of the TAL is set aside for research purposes, should research TAL be set aside, the remaining TAL is distributed among three tilefish limited access permit categories; Full-time Tier 1 category (66 percent), Full-time Tier 2 category (15 percent), and the Part-time category (19 percent).

The TAL for tilefish for the 2009 fishing year was set at 1.995 million lb (905,172 kg) and then adjusted downward by 5 percent to 1,895,250 lb (859,671 kg) to account for incidental catch. There was no research set-aside for the 2009 fishing year. Thus, the Full-time Tier 2 permit quota for the 2009 fishing year, which is equal to 15 percent of the TAL, was specified at 284,288 lb (106,108 kg). However, due to an over-harvest in the 2008 fishing year, the quota for the Full-time permit category was adjusted downward by 7,332 lb (3,326 kg) to 276,956 lb (125,625 kg). Notification of the 2009 Full-time Tier 2 category quota for the 2009 fishing year was sent in a Permit Holder Letter to all tilefish limited access permit holders on October 7, 2008.

The Administrator, Northeast Region, NMFS (Regional Administrator), monitors the commercial tilefish quota for each fishing year using dealer reports, vessel catch reports, and other available information to determine when the quota for each limited access permit category is projected to have been harvested. NMFS is required to publish notification in the **Federal Register** notifying commercial vessels and dealer permit holders that, effective upon a specific date, the tilefish TAL for the specific limited access category has been harvested and no commercial quota is available for harvesting tilefish by that category for the remainder of the fishing year, from within the Golden Tilefish Management Unit.

The Regional Administrator has determined, based upon dealer reports and other available information, that there is a high likely hood that the 2009 tilefish TAL for the Full-time Tier 2 category has been harvested as of June 1, 2009. Therefore, effective 0001 hr local time, June 6, 2009, further landings of tilefish harvested from within the Golden Tilefish Management Unit by tilefish vessels holding Full-time Tier 2 category Federal fisheries permits are prohibited through October 31, 2009. The 2010 fishing year for commercial tilefish harvest will open on November 1, 2009. Federally permitted dealers are also advised that, effective June 6, 2009, they may not purchase tilefish from Full-time Tier 2 category federally permitted tilefish vessels who land tilefish harvested from within the Golden Tilefish Management Unit for the remainder of the 2009 fishing year (through October 31, 2009).

Classification

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. If implementation of this closure is delayed to solicit prior public comment, the quota for this category would be exceeded given the rate of harvest of tilefish for vessels in this category. This would conflict with the agency's legal obligation under section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act to rebuild this fishery as soon as possible. Overage of the Full-time Tier 2 category quota that occurs in a given fishing year is subtracted from the quota for this category in the following fishing year. This would have a negative economic impact on owners of vessels permitted in the Full-time Tier 2 category, who did not contribute to the overage this year, and fish during the next fishing year. The AA further finds pursuant to 5 U.S.C. 553(d)(3) good cause to waive the thirty 30-day delayed effectiveness period for the reasons stated above.

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

Dated: June 3, 2009.

Kristen C. Koch,

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

[FR Doc. E9–13346 Filed 6–3–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 080521698–9067–02]

RIN 0648–XP50

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area

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

ACTION: Temporary Rule; decrease of landing limit.

SUMMARY: This action decreases the Georges Bank (GB) yellowtail flounder trip limit to 2,500 lb (1,134 kg) for Northeast (NE) multispecies days-at-sea (DAS) vessels fishing in the U.S./Canada Management Area. This action is authorized by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan (FMP) and is intended to decrease the likelihood of harvest exceeding the total allowable catch (TAC) for GB yellowtail flounder during the 2009 fishing year (FY). This action is being taken to optimize the harvest of transboundary stocks of GB yellowtail flounder, haddock, and cod under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective June 5, 2009, through April 30, 2010.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, (978) 281–9341, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the GB yellowtail flounder landing limit within the U.S./Canada Management Area are found at 50 CFR 648.85(a)(3)(iv)(C) and (D). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area, as defined at § 648.85(a)(1), under specified conditions. The TAC for GB yellowtail flounder for the 2009 fishing year (May 1, 2009 —April 30, 2010) was set at 1,617 mt (3,564,774 lb) (74 FR 17030; April 13, 2009), a 17–percent decrease from the TAC for FY 2008. The same regulatory action for FY 2009 implemented a trip limit of 5,000 lb (2,268 kg) for GB yellowtail flounder, less than the default initial trip limit of 10,000 lb (4,536 kg). A 5,000 lb (2,268 kg) trip limit was implemented based on data from FY 2008, in order to allow harvesting of the TAC, and to minimize the likelihood that further restriction of catch rate through additional trip limits would be necessary.

The regulations at § 648.85(a)(3)(iv)(D) authorize the Administrator, Northeast (NE) Region, NMFS (Regional Administrator) to increase or decrease the trip limits in the U.S./Canada Management Area to prevent over-harvesting or under-harvesting the TAC allocation. According to the most recent Vessel Monitoring System (VMS) reports and other available information, the cumulative GB yellowtail flounder catch is approximately 16 percent of the TAC as of May 21, 2009. Of this total, approximately half is , I sattributed to fish that have been discarded at sea. A previous analysis of fishing behaviour in fishing year 2007, found that vessels that fished in the U.S./Canada Management Area were more likely to direct effort onto species other than yellowtail flounder when the yellowtail flounder possession limit dropped below 5,000 lb (2,268 kg) per trip. Therefore, decreasing the trip limit from 5,000 lb (2,268 kg) to 2,500 lb (1,134 kg) is expected to reduce the number of trips made to the Western U.S./Canada Area to target yellowtail flounder, decrease landings of yellowtail flounder without increasing discards, and result in the achievement of the TAC during the fishing year without exceeding it. Attainment of the TAC prior to the end of the fishing year results in the loss of yield of other stocks caught concurrently with yellowtail flounder. Based on this information, the Regional Administrator is decreasing the current 5,000 lb (2,268 kg) yellowtail flounder trip limit in the U.S./Canada Management Area to 2,500 lb (1,134 kg) per trip, through April 30, 2010.

GB yellowtail flounder landings will continue to be closely monitored. Further inseason adjustment to increase or decrease the trip limit may be considered, based on updated catch data and projections. Should 100 percent of the TAC allocation for GB yellowtail flounder by projected to be caught, all vessels would be prohibited from harvesting, possessing, or landing yellowtail flounder from the entire U.S./Canada Management Area, and the Eastern U.S./Canada Area would be closed to limited access NE multispecies DAS vessels for the remainder of the fishing year.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866. Pursuant to 5 U.S.C 553(b)(3)(B) and (d)(3), there is good cause to waive prior notice and comment for public comment; as well as the delayed effectiveness for this action, because prior notice and comment, and a delayed effectiveness, would be impracticable and contrary to the public interest. The regulations under § 648.85(a)(3)(iv)(D) grant the Regional Administrator the authority to adjust the GB yellowtail flounder trip limit to prevent over-harvesting or underharvesting the TAC allocation. This action will implement a more restrictive trip limit for yellowtail flounder in order to ensure that the TAC is not overharvested, and the biological and economic objectives of the FMP are met.

It is important to take this action immediately because, based on current data and a projection, continuation of the status quo trip limit of 5,000 lb (2,268 kg) will result reaching the GB yellowtail flounder TAC prior to the end of the fishing year. Attainment of the TAC prior to the end of the fishing year on April 30, 2010 (and closure of the Eastern U.S./Canada Area) would result in the loss of yield of other valuable species caught in the Eastern U.S./Canada Area.

The information that is the basis for this action is recent catch data. The time necessary to provide for prior notice and comment, and delayed effectiveness for this action would prevent NMFS from implementing a reduced trip limit in a timely manner. A resulting delay in the curtailment of catch rate of GB yellowtail flounder may cause closure of the Eastern U.S./Canada Area early in FY 2009. Such a closure would result in less revenue for the fishing industry and be counter to the objective of optimal yield.

The Regional Administrator's authority to decrease trip limits for GB yellowtail flounder in the U.S./Canada Management Area to help ensure that the shared U.S./Canada stocks of fish are harvested, but not exceeded, was considered and open to public comment during the development of Amendment 13 to the FMP and Framework Adjustment 42 to the FMP. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

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

Dated: June 3, 2009.

Kristen C. Koch,

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

[FR Doc. E9–13347 Filed 6–3–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648–XN78

Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the commercial and non-commercial fisheries in the Main Hawaiian Islands fishery for seven deepwater bottomfish species (''Deep 7'' bottomfish) as a result of reaching the total allowable catch (TAC) for the 2008–09 fishing year.

DATES: Effective July 6, 2009, through August 31, 2009.

FOR FURTHER INFORMATION CONTACT: Bob Harman, Sustainable Fisheries Division, NMFS Pacific Islands Region, 808–944–2271.

SUPPLEMENTARY INFORMATION: Bottomfish fishing in Hawaii is managed under the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP), developed by the Western Pacific Fishery Management Council (Council) and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the Bottomfish FMP appear at 50 CFR part 665 and at subpart H of 50 CFR part 600.

The regulations at § 665.72 authorize NMFS and the Council to set a TAC limit for Deep 7 bottomfish for the fishing year, based on the best available scientific, commercial, and other information, and taking into account the associated risk of overfishing. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapu'upu'u (*Epinephelus quernus*).

When the TAC limit for the year is projected to be reached, the Regional Administrator is required to publish notification that the fishery will be closed beginning on a specified date, not earlier than 14 days after the date of filing the closure notice for public inspection at the Office of the **Federal Register**, until the end of the fishing year in which the TAC is reached. During the closure, no person may fish for, possess, or sell any Deep 7 bottomfish in the Main Hawaiian Islands, except as otherwise authorized by law. Specifically, fishing for, and the resultant possession or sale of, Deep 7 bottomfish by vessels legally permitted to fish in the Mau and Ho omalu Zones or Pacific Remote Island Areas, and conducted in compliance with all other laws and regulations, are not affected by this closure. There is no prohibition on fishing for or selling non-Deep 7 bottomfish species throughout the year.

The TAC limit for the 2008–09 fishing year was recommended by the Council, and specified by NMFS, as 241,000 lb (109,316 kg) of Deep 7 bottomfish (74 FR 6998; February 12, 2009). Progress toward the 2008–09 TAC is monitored using information reported by holders of State of Hawaii commercial marine licenses through monthly catch reports submitted to the State. Based on this information, the TAC for the 2008–09 fishing year is projected to be reached on or before July 6, 2009.

In accordance with § 665.72(c), this document serves as advance notification to fishermen, the fishing industry, and the general public that the Main Hawaiian Islands Deep 7 bottomfish fishery will be closed from July 6, 2009, through the remainder of the fishing year. The 2009–10 fishing year is scheduled to open on September 1, 2009. The TAC for the 2009–10 fishing year will be published in the **Federal Register** by August 31, 2009.

This action is required by § 665.72(c) and is exempt from review under Executive Order 12866.

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

Dated: June 3, 2009.

Kristen C. Koch,

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

[FR Doc. E9–13500 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 74, No. 109
Tuesday, June 9, 2009

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0521; Directorate Identifier 2008–NM–187–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes Equipped With a Digital Transient Suppression Device (DTSD) Installed in Accordance With Supplemental Type Certificate (STC) ST00127BO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Boeing Model 737–300, –400, and –500 series airplanes. This proposed AD would require revising the maintenance program to include new fuel system limitations for airplanes modified in accordance with STC ST00127BO. This AD also requires inspections and checks of the DTSDs and corrective actions, if necessary. This proposed AD results from fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent a potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank fire or explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by July 24, 2009.

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

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

For service information identified in this AD, contact Goodrich Corporation, Fuel and Utility Systems, 100 Panton Road, Vergennes, Vermont 05491–1008; telephone 802–877–4476; e-mail *lgd.TechPubs.Oakville@goodrich.com;* Internet *http://www.goodrich.com/TechPubs.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Marc Ronell, Aerospace Engineer, ANE–150, FAA, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7776; fax (781) 238–7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0521; Directorate Identifier 2008–NM–187–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 requires certain type design (*i.e.,* type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: single failures, single failures in combination with another latent

condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

We have determined that revising the maintenance program to include new fuel system limitations for airplanes modified in accordance with Supplemental Type Certificate (STC) ST00127BO are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Relevant Service Information

We have reviewed Goodrich Instructions for Continued Airworthiness (ICA) for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007. The ICA includes Section 2.2.3, ''Scheduled Inspections/Operational Checks,'' and Section 10.1, ''Fuel System Limitations'' (hereafter referred to as ''the instructions''). These fuel system limitations are identified as critical design configuration control limitations (CDCCLs), which are limitation requirements to preserve a critical ignition source prevention feature of the fuel tank system design that is necessary to prevent the occurrence of an unsafe condition. The purpose of a CDCCL is to provide instructions to retain the critical ignition source prevention feature during configuration changes that may be caused by alterations, repairs, or maintenance actions. A CDCCL is not a periodic inspection.

The scheduled inspections/operational checks are periodic inspections/checks of certain features for latent failures that could contribute to an ignition source. The instructions describe the following procedures to detect discrepancies of the following components of the left wing, right wing, and center tanks:

- *Digital transient suppression devices (DTSD):* Initial operational check.
- *DTSD safe-side harnesses:* Inspection for critical bond damage, which includes measuring the bonding resistance across the ground strap and verifying the resistance is less than 2.0 milliohms.
- *DTSD safe-side harnesses:* Inspection for physical separation of the harness from other airplane wiring, hydraulic tubing, structure, control cables, and bleed air ducts. Separation is required to ensure that threat conditions do not develop that could compromise the safety of the wiring entering the fuel tank.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require revising the maintenance program to include the scheduled inspections/operational checks specified in Section 2.2.3 and the fuel system limitations specified in Section 10.1 of the Goodrich ICA for airplanes modified in accordance with STC ST00127BO, and accomplishing the actions specified in the scheduled inspections/operational checks and the CDCCLs described previously, except as described below in ''Differences Between the Instructions and This Proposed AD.''

Differences Between the Instructions and This Proposed AD

The instructions do not specify an initial compliance time for doing the scheduled inspections/operational checks. This proposed AD would require an operational check of the DTSDs prior to the accumulation of 39,000 flight hours after modification in accordance with STC ST00127BO, or within 12 months, whichever occurs later. This proposed AD would require a general visual inspection for critical bond damage of the DTSD safe-side harnesses (critical bond damage includes measuring the bonding resistance across the ground strap and verifying the resistance is less than 2.0 milliohms) prior to the accumulation of 4,000 flight hours after modification in accordance with STC ST00127BO, or within 6 months, whichever occurs later. This proposed AD would also require a general visual inspection for physical separation of the DTSD safe-side harnesses from other airplane wiring, hydraulic tubing, structure, control cables, and bleed air ducts prior to the accumulation of 24,000 flight hours after modification in accordance with STC ST00127BO, or within 12 months, whichever occurs later.

The instructions also do not specify corrective actions if any discrepancy is found. This proposed AD would require that if any discrepancy is found, applicable corrective actions must be done in accordance with the applicable section of the Goodrich Aircraft Maintenance Manual (AMM) Supplement with Wiring Diagrams for 737–300/–400/–500 FQIS with Goodrich Digital Indicators and Transient Suppression Device, STC Number: STC ST00127BO, Revision 5, dated December 20, 2006, as specified in the instructions.

Costs of Compliance

We estimate that this proposed AD would affect 12 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD. The average labor rate is $80 per work hour.

ESTIMATED COSTS

Action	Work hours	Cost per product ($)	Fleet cost ($)
Revision to maintenance program	8	640	7,680
Operational check, per cycle	1	80	960
Bond damage inspection, per cycle	1	80	960
Separation inspection, per cycle	1	80	960

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with

promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. FAA–2009–0521; Directorate Identifier 2008–NM–187–AD.

Comments Due Date

(a) We must receive comments by July 24, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–300, –400, and –500 series airplanes, certificated in any category, equipped with a digital transient suppression device (DTSD) installed in accordance with Supplemental Type Certificate (STC) STC ST00127BO.

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

Subject

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

Unsafe Condition

(e) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent a potential of ignition sources inside fuel tanks, which in combination with flammable fuel vapors, could result in a fuel tank fire or explosion and consequent loss of the airplane.

Compliance

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

Revision to the Maintenance Program To Add CDCCLs

(g) Within 30 days after the effective date of this AD, revise the maintenance program to incorporate the fuel system limitations specified in Section 10.1 of the Goodrich Instructions for Continued Airworthiness (ICA) for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007.

Revision to the Maintenance Program To Add Scheduled Inspections/Operational Checks

(h) Within 30 days after the effective date of this AD: Revise the maintenance program to incorporate the scheduled inspections/operational checks specified in Section 2.2.3 of the Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007; except that the initial inspections/checks required by paragraphs (i), (j), and (k) of this AD must be done at the compliance times specified in those paragraphs. Repeat the inspections/checks thereafter at the applicable compliance times in the column, ''Frequency,'' of the table specified in Section 2.2.3 of the Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007.

Initial Inspections and Repair if Necessary

(i) Prior to the accumulation of 39,000 flight hours after modification in accordance with STC ST00127BO, or within 12 months after the effective date of this AD, whichever occurs later: Do an operational check of the digital transient suppression devices (DTSD) in accordance with Section 2.2.3., ''Scheduled Inspections/Operational Checks,'' of the Goodrich ICA, for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007. If the DTSD fails the operational check, repair before further flight in accordance with the section of the Goodrich Aircraft Maintenance Manual (AMM) Supplement with Wiring Diagrams for 737–300/–400/–500 FQIS with Goodrich Digital Indicators and Transient Suppression Device, STC Number: STC ST00127BO, Revision 5, dated December 20, 2006, that corresponds to the operational check specified in Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007.

(j) Prior to the accumulation of 4,000 flight hours after modification in accordance with STC ST00127BO, or within 6 months after the effective date of this AD, whichever occurs later: Do a general visual inspection for critical bond damage of the DTSD safe-side harnesses (critical bond damage includes measuring the bonding resistance across the ground strap and verifying the resistance is less than 2.0 milliohms), in accordance with Section 2.2.3., ''Scheduled Inspections/Operational Checks,'' of Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007, which includes Items 5, 6, 7, and 8 of Table 6 in Section 10.1, ''Fuel System Limitations.'' If any damage is found, repair before further flight in accordance with the section of the Goodrich Aircraft Maintenance Manual Supplement with Wiring Diagrams for 737–300/–400/–500 FQIS with Goodrich Digital Indicators and Transient Suppression Device, STC Number: STC ST00127BO, Revision 5, dated December 20, 2006, that corresponds to the general visual inspection specified in Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007.

(k) Prior to the accumulation of 24,000 flight hours after modification in accordance with STC ST00127BO, or within 12 months after the effective date of this AD, whichever occurs later: Do a general visual inspection for physical separation of the DTSD safe-side harnesses from other airplane wiring, hydraulic tubing, structure, control cables, and bleed air ducts, in accordance with Section 2.2.3., ''Scheduled Inspections/Operational Checks,'' of the Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007. If any damage is found, repair before further flight in accordance with the section of the Goodrich Aircraft Maintenance Manual Supplement with Wiring Diagrams for 737–300/–400/–500 FQIS with Goodrich Digital Indicators and Transient Suppression Device, STC Number: STC ST00127BO, Revision 5, dated

December 20, 2006, that corresponds to the general visual inspection specified in Goodrich ICA for Boeing Model 737–300/400/500 Airplanes, Document T2007–0010–0101, Revision D, dated January 16, 2007.

No Alternative Inspections/Checks, Inspection/Check Intervals, or CDCCLs

(l) After accomplishing the actions specified in paragraphs (g) and (h) of this AD, no alternative inspections/checks, inspection/check intervals, or CDCCLs may be used unless the inspections/checks, intervals, or CDCCLs are approved as an Alternative Method of Compliance (AMOC) in accordance with the procedures specified in paragraph (m) of this AD.

AMOCs

(m)(1) The Manager, Boston Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Marc Ronell, Aerospace Engineer, ANE–150, FAA, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7776; fax (781) 238–7170.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Issued in Renton, Washington, on June 2, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–13494 Filed 6–8–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0522; Directorate Identifier 2008–NM–127–AD]

RIN 2120–AA64

Airworthiness Directives; 328 Support Services GmbH Dornier Model 328–100 and –300 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

* * * A number of * * * rudder spring tab lever assemblies [of the rudder] were found cracked.

This condition, if not corrected, could lead to failure of the rudder flight control system and consequent loss of control of the aircraft. * * *

* * * * *

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by July 9, 2009.

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

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

For service information identified in this proposed AD, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D–82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; e-mail *gsc.op@328support.de;* Internet *http://www.328support.de.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0522; Directorate Identifier 2008–NM–127–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On April 26, 2004, we issued AD 2004–09–16, Amendment 39–13605 (69 FR 24953, May 5, 2004). (A correction of that AD was published in the **Federal Register** on May 12, 2004 (69 FR 26434)). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2004–09–16, we have determined that it is necessary to reduce the repetitive interval and require the replacement of certain rudder spring tab lever assemblies.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008–0107, dated June 23, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

On 14 March 2002, an incident occurred with a Dornier 328–100 where the captain reported that the rudder was unresponsive. The aircraft landed without any further difficulties. A visual inspection of the rudder assembly was carried out and the spring tab assembly was found to be cracked and partially missing. During subsequent inspections of other aircraft, a number of additional rudder spring tab lever assemblies were found cracked.

This condition, if not corrected, could lead to failure of the rudder flight control system

and consequent loss of control of the aircraft. To address and correct this unsafe condition, LBA (Luftfahrt-Bundesamt) issued AD 2003–383 and 2003–384 [which correspond to FAA AD 2004–09–16] for the Dornier 328–100 and 328–300 respectively, to require the initial and repetitive inspection of the rudder spring tab lever assembly and, in case cracks were found, the replacement of the rudder spring tab lever assembly with a serviceable unit.

The current TC (type certificate) holder of this type design, 328 Support Services GmbH, has recently published Alert Service Bulletin ASB–328–27–036, Revision 2, which reduces the inspection interval to A-check [400 FH] (400 flight hours). In addition, Service Bulletin SB–328–27–459 was revised to change the compliance status from 'optional' to 'mandatory' and instructs operators to replace the rudder spring tab lever assembly with an improved unit P/N (part number) 001A272A4020–004, ending the need for the repetitive inspections.

For the reasons described above, this EASA AD retains the repetitive inspection requirements of LBA AD 2003–383, which is superseded, expands the applicability to all serial numbers, reduces the inspection interval to 400 [flight hours], and requires the replacement of the rudder spring tab lever assembly with an improved unit P/N 001A272A4020–004, as specified in SB–328–27–459.

The material used for the rudder spring tab lever assemblies on Model 328–100 airplanes differs from the material used for the rudder spring tab lever assemblies on Model 328–300 airplanes. Therefore, Model 328–300 airplanes are not affected by the new requirements in this NPRM. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

328 Support Services GmbH has issued Dornier 328 Service Bulletin SB–328–27–459, Revision 2, dated February 8, 2008; and Dornier 328 Alert Service Bulletin ASB–328–27–036, Revision 3, dated February 8, 2008. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 112 products of U.S. registry.

The actions that are required by AD 2004–09–16 and retained in this proposed AD affect 112 products of U.S. registry and take 1 work-hour per product, at an average labor rate of $80 per work-hour. Based on these figures, the estimated cost of the currently required actions is $8,960, or $80 per product, per inspection cycle.

We estimate that it would take about 3 work-hours per product to comply with the new basic requirements of this proposed AD and it would affect 16 products of U.S. registry. The average labor rate is $80 per work-hour. Required parts would cost about $12,861 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $209,616, or $13,101 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–13605 (69 FR 24953, May 5, 2004), corrected at 69 FR 26434, May 12, 2004, and adding the following new AD:

328 Support Services GmbH (Formerly, AvCraft Aerospace GmbH, formerly Fairchild Dornier GmbH, formerly Dornier Luftfahrt GmbH): Docket No. FAA–2009–0522; Directorate Identifier 2008–NM–127–AD.

Comments Due Date

(a) We must receive comments by July 9, 2009.

Affected ADs

(b) The proposed AD supersedes AD 2004–09–16, Amendment 39–13605.

Applicability

(c) This AD applies to 328 Support Services GmbH Dornier Model 328–100 airplanes on which a rudder spring tab lever assembly having part number 001A272A4020–002 is installed, and all Model 328–300 airplanes.

Subject

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

Reason

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

On 14 March 2002, an incident occurred with a Dornier 328–100 where the captain reported that the rudder was unresponsive. The aircraft landed without any further difficulties. A visual inspection of the rudder assembly was carried out and the spring tab assembly was found to be cracked and partially missing. During subsequent inspections of other aircraft, a number of additional rudder spring tab lever assemblies were found cracked.

This condition, if not corrected, could lead to failure of the rudder flight control system and consequent loss of control of the aircraft. To address and correct this unsafe condition, LBA (Luftfahrt-Bundesamt) issued AD 2003–383 and 2003–384 [which correspond to FAA AD 2004–09–16] for the Dornier 328–100 and 328–300 respectively, to require the initial and repetitive inspection of the rudder spring tab lever assembly and, in case cracks were found, the replacement of the rudder spring tab lever assembly with a serviceable unit.

The current TC (type certificate) holder of this type design, 328 Support Services GmbH, has recently published Alert Service Bulletin ASB–328–27–036, Revision 2, which reduces the inspection interval to A-check [400 FH] (400 flight hours). In addition, Service Bulletin SB–328–27–459 was revised to change the compliance status from 'optional' to 'mandatory' and instructs operators to replace the rudder spring tab lever assembly with an improved unit P/N (part number) 001A272A4020–004, ending the need for the repetitive inspections.

For the reasons described above, this EASA AD retains the repetitive inspection requirements of LBA AD 2003–383, which is superseded, expands the applicability to all serial numbers, reduces the inspection interval to 400 [flight hours], and requires the replacement of the rudder spring tab lever assembly with an improved unit P/N 001A272A4020–004, as specified in SB–328–27–459.

Compliance

(f) Required as indicated, unless accomplished previously.

Restatement of Requirements of AD 2004–09–16, Including Repetitive Inspections With Reduced Intervals for Model 328–100 Airplanes

(g) For all airplanes: Within 400 flight hours or 2 months after June 9, 2004 (the effective date of AD 2004–09–16), whichever is first; do detailed and eddy current inspections for cracking of the bearing lugs of the rudder spring tab lever assembly by doing all the actions per Paragraphs 2.A., 2.B., and 2.D. of the Accomplishment Instructions of Dornier Alert Service Bulletin ASB–328–27–036 (for Model 328–100 airplanes), dated February 12, 2003, or Revision 3, dated February 8, 2008; or Dornier Alert Service Bulletin ASB–328J–27–013 (for Model 328–300 airplanes), dated February 12, 2003; as applicable.

Note 1: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) For Model 328–100 airplanes: If no cracking is found during any inspection required by paragraph (g) of this AD, do the next inspection within 400 flight hours after doing the last inspection, or within 400 flight hours after the effective date of this AD, whichever occurs later; and repeat the inspection thereafter at intervals not to exceed 400 flight hours. Repeat the inspections until the replacement required by paragraph (k) of this AD has been done.

(2) For Model 328–300 airplanes: If no cracking is found during any inspection required by paragraph (g) of this AD, repeat the inspections thereafter at intervals not to exceed 24 months.

Corrective Action

(h) For all airplanes: If any cracking is found during any inspection required by paragraph (g) of this AD, do the applicable actions specified in paragraph (h)(1) or (h)(2) of this AD.

(1) For Model 328–100 airplanes: Before further flight, do the replacement required by paragraph (k) of this AD, or replace the spring tab lever assembly with a new assembly by doing all the actions per Paragraph 2.C. of the Accomplishment Instructions of Dornier Alert Service Bulletin ASB–328–27–036, dated February 12, 2003, or Revision 3, dated February 8, 2008.

(2) For Model 328–300 airplanes: Before further flight, replace the spring tab lever assembly with a new assembly by doing all the actions per Paragraph 2.C. of the Accomplishment Instructions of Dornier Alert Service Bulletin ASB–328J–27–013, dated February 12, 2003. Repeat the inspections required by paragraph (g) of this AD thereafter at intervals not to exceed 24 months.

Note 2: For Model 328–300 airplanes: There is no terminating action available for the repetitive inspections required by this AD.

(i) Dornier Alert Service Bulletins ASB–328–27–036, dated February 12, 2003, and Revision 3, dated February 8, 2008; and ASB–328J–27–013, dated February 12, 2003; recommend reporting crack findings and returning damaged lever assemblies to the manufacturer, but this AD does not contain such requirements.

New Requirements of This AD: Actions and Compliance

(j) For Model 328–100 airplanes: As of the effective date of this AD, Dornier Alert Service Bulletin ASB–328–27–036, Revision 3, dated February 8, 2008, must be used for accomplishing the inspections and corrective actions required by paragraphs (g) and (h) of this AD.

(k) For Model 328–100 airplanes: Within 6 months after the effective date of this AD, replace any rudder spring tab lever assembly having P/N 001A272A4020–002 with an improved unit having P/N 001A272A4020–004, in accordance with the Accomplishment Instructions of Dornier 328 Service Bulletin SB–328–27–459, Revision 2, dated February 8, 2008. Accomplishment of the replacement required by this paragraph terminates the repetitive inspections required by paragraph (g)(1) of this AD.

(l) Actions done before the effective date of this AD in accordance with Dornier 328 Service Bulletin SB–328–27–459, dated May 3, 2004; or Revision 1, dated January 24, 2008, are acceptable for compliance with the corresponding requirements of this AD for Model 328–100 airplanes. Actions done before the effective date of this AD in accordance with Dornier Alert Service Bulletin ASB–328–27–036, Revision 1, dated May 7, 2004; or Revision 2, dated January 24, 2008; are acceptable for compliance with the corresponding requirements of this AD for Model 328–300 airplanes.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved.

Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

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

Related Information

(n) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2008–0107, dated June 23, 2008; German Airworthiness Directive 2003–384, dated November 13, 2003; Dornier 328 Alert Service Bulletin ASB–328–27–036, Revision 3, dated February 8, 2008; and Dornier 328 Service Bulletin SB–328–27–459, Revision 2, dated February 8, 2008; for related information.

Issued in Renton, Washington, on June 2, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–13495 Filed 6–8–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0515; Directorate Identifier 2008–NM–071–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

Following a red illuminated ''DOOR NOT LOCKED'' status light indication on the door lock indication panel after lift off, the cabin crew operated the door lock handle. This resulted in inadvertent opening of the downward opening passenger door in flight. * * *

After inspection, it was found that the false red light might be the result of an incorrect clearance between lever Part Number (P/N) A26997–003 and the Up-Limit Switch. If the Up-Limit Switch has an incorrect clearance, the combination with cabin differential pressure build-up after lift-off might result in a false steady illuminating red ''DOOR NOT LOCKED'' indication on the Door Indication Panel. * * *

* * * * *

The unsafe condition is inadvertent opening of the door lock handle in flight, which could result in rapid decompression of the airplane or ejection of a passenger or crewmember through the door. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by July 9, 2009.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; telephone +31 (0)252–627–350; fax +31 (0)252–627–211; e-mail *technicalservices.fokkerservices@stork.com;* Internet *http://www.myfokkerfleet.com* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0515; Directorate Identifier 2008–NM–071–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agency for the Member States of the European Community, has issued EASA Airworthiness Directive 2008–0020, dated January 28, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Following a red illuminated ''DOOR NOT LOCKED'' status light indication on the door lock indication panel after lift off, the cabin crew operated the door lock handle. This resulted in inadvertent opening of the downward opening passenger door in flight. It appeared that the cabin crew was unaware of the content of Fokker 70/100 Service Letter (SL) 272. This SL informs not to operate the door lock handle after the aircraft has started to move or before it has come to a complete standstill.

After inspection, it was found that the false red light might be the result of an incorrect clearance between lever Part Number (P/N) A26997–003 and the Up-Limit Switch. If the Up-Limit Switch has an incorrect clearance, the combination with cabin differential pressure build-up after lift-off might result in a false steady illuminating red ''DOOR NOT LOCKED'' indication on the Door Indication Panel. The original Fokker Service Bulletin SBF100–52–044 and the associated Aircraft Maintenance Manual (AMM) task mentioned a clearance of 1,3 mm ± 0,3 mm. Later, based on a trial, an improved clearance of 0,3 mm ± 0,2 mm was introduced. Both documents have been revised for that reason. Later production serial number aircraft with

downward opening passenger doors had the correct clearance introduced before delivery, but no action was taken to inspect and adjust the clearance on previously delivered or modified (per SBF100–52–044) serial numbers.

Since an unsafe condition has been identified that is likely to exist or develop on other aircraft of the same type design, this [EASA] Airworthiness Directive (AD) requires two actions:

—The installation of a warning placard near the status lights of the door lock indication panel, instructing the cabin crew not to operate the door handle during flight and to inform the flight crew of the ''DOOR NOT LOCKED'' indication; and

—A one-time inspection of the clearance between lever P/N A26997–003 and the Up-Limit Switch. If this clearance deviates from the limits given in AMM task 52–71–01–400–814–A, which is 0,3 mm ± 0,2 mm (0.0118 inch ± 0.0079 inch), corrective actions are required.

The unsafe condition is inadvertent opening of the door lock handle in flight, which could result in rapid decompression of the airplane or ejection of a passenger or crewmember through the door. The corrective action for improper clearance is adjusting the clearance between the lever and the up-limit switch. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–11–025, Revision 1, dated December 13, 2007; and Fokker Service Bulletin SBF100–52–086, dated November 1, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 10 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $20 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $3,400, or $340 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket No. FAA–2009–0515; Directorate Identifier 2008–NM–071–AD.

Comments Due Date

(a) We must receive comments by July 9, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Fokker Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category, equipped with a downward-opening ''airstair'' type passenger door.

Subject

(d) Air Transport Association (ATA) of America Codes 11 and 52: Placards and Markings, and Doors, respectively.

Reason

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

Following a red illuminated ''DOOR NOT LOCKED'' status light indication on the door lock indication panel after lift off, the cabin crew operated the door lock handle. This resulted in inadvertent opening of the downward opening passenger door in flight. It appeared that the cabin crew was unaware

of the content of Fokker 70/100 Service Letter (SL) 272. This SL informs not to operate the door lock handle after the aircraft has started to move or before it has come to a complete standstill.

After inspection, it was found that the false red light might be the result of an incorrect clearance between lever Part Number (P/N) A26997–003 and the Up-Limit Switch. If the Up-Limit Switch has an incorrect clearance, the combination with cabin differential pressure build-up after lift-off might result in a false steady illuminating red ''DOOR NOT LOCKED'' indication on the Door Indication Panel. The original Fokker Service Bulletin SBF100–52–044 and the associated Aircraft Maintenance Manual (AMM) task mentioned a clearance of 1,3 mm ± 0,3 mm. Later, based on a trial, an improved clearance of 0,3 mm ± 0,2 mm was introduced. Both documents have been revised for that reason. Later production serial number aircraft with downward opening passenger doors had the correct clearance introduced before delivery, but no action was taken to inspect and adjust the clearance on previously delivered or modified (per SBF100–52–044) serial numbers.

Since an unsafe condition has been identified that is likely to exist or develop on other aircraft of the same type design, this [EASA] Airworthiness Directive (AD) requires two actions:

—The installation of a warning placard near the status lights of the door lock indication panel, instructing the cabin crew not to operate the door handle during flight and to inform the flight crew of the ''DOOR NOT LOCKED'' indication; and

—A one-time inspection of the clearance between lever P/N A26997–003 and the Up-Limit Switch. If this clearance deviates from the limits given in AMM task 52–71–01–400–814–A, which is 0,3 mm ± 0,2 mm (0.0118 inch ± 0.0079 inch), corrective actions are required.

The unsafe condition is inadvertent opening of the door lock handle in flight, which could result in rapid decompression of the airplane or ejection of a passenger or crewmember through the door. The corrective action for improper clearance is adjusting the clearance between the lever and the up-limit switch.

Actions and Compliance

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

(1) Within 500 flight cycles or 4 months after the effective date of this AD, whichever occurs first, install a new warning placard near the status lights of the panel of the door lock indication, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–11–025, Revision 1, dated December 13, 2007.

(2) Within 4,000 flight cycles after the effective date of this AD, do a one-time inspection of the clearance between lever P/N A26997–003 and the up-limit switch, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–52–086, dated November 1, 2007.

(3) If any clearance is found outside the range defined in the service bulletin during the inspection required by paragraph (f)(2) of this AD, before further flight, correct the clearance in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–52–086, dated November 1, 2007.

(4) If done before the effective date of this AD, installing the warning placard near the status lights of the panel of the door lock indication, in accordance with Fokker Service Bulletin SBF100–11–025, dated November 1, 2007, is acceptable for compliance with the requirements of paragraph (f)(1) of this AD.

(5) Modifying the airplane in accordance with Fokker Service Bulletin SBF 100–52–044, Revision 1, dated November 1, 2007, terminates the requirements of paragraph (f)(2) of this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows:

Note 1 of the ''Compliance'' section of European Aviation Safety Agency Airworthiness Directive 2008–0020, dated January 28, 2008, states that any airplane that has not yet been modified in accordance with Fokker Service Bulletin SBF 100–52–069, dated December 3, 2001, must be done prior to or concurrently with paragraph (f)(1) of this AD. However, all U.S. airplanes have met this requirement with issuance of AD 2006–03–07, amendment 39–14471; therefore, modification in accordance with Fokker Service Bulletin SBF 100–52–069, dated December 3, 2001, is not applicable.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

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

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

Related Information

(h) Refer to MCAI EASA Airworthiness Directive 2008–0020, dated January 28, 2008, and Fokker Service Bulletin SBF100–11–025, Revision 1, dated December 13, 2007; and Fokker Service Bulletin SBF100–52–086, dated November 1, 2007; for related information.

Issued in Renton, Washington, on June 1, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–13350 Filed 6–8–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 617, 618, 665, and 671

RIN 1205–AB32 and 1205–AB40

Withdrawal of Certain Proposed Rules for Trade Adjustment Assistance

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of withdrawal.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department) announces the withdrawal of two notices of proposed rulemaking (NPRMs) on the Trade Adjustment Assistance for Workers (TAA) and Alternative Trade Adjustment Assistance for Older Workers (ATAA) programs under the Trade Act of 1974, as amended (Trade Act). These proposed rules are withdrawn because the American Recovery and Reinvestment Act of 2009, commonly known as the Recovery Act, significantly amended the authorizing legislation, superseding the two NPRMs.

DATES: The proposed rules identified in this document are withdrawn as of June 9, 2009.

FOR FURTHER INFORMATION CONTACT: Erica Cantor, Administrator, Office of National Response, ETA, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C–5311, Washington, DC 20210. Telephone: (202)–693–3560 (voice) (this is not a toll-free number); individuals with hearing or speech impairments may access the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The TAA program, under chapter 2 of title II of the Trade Act, provides adjustment assistance (including training, income

support, and job search and relocation allowances) for workers adversely affected by international trade. The Trade Adjustment Assistance Reform Act of 2002 (the Reform Act), Public Law 107–210, reauthorized the TAA program, making significant amendments, including the addition of a health care tax credit (helping workers pay for qualifying health insurance) and ATAA, providing a wage supplement option for older workers.

The Department proceeded to implement the Reform Act through three separate rulemakings. On August 25, 2006, the Department published an NPRM covering TAA program benefits and administration (TAA NPRM) (71 FR 50760). On October 18, 2006, the Department published an NPRM covering the new ATAA program (ATAA NPRM) (71 FR 61618). A planned third rulemaking covering petitions for certification of eligibility to apply for program benefits was not published (RIN 1205–AB44). Subsequently, Congress passed the Continuing Appropriations Resolution, 2007 (Pub. L. 110–5) and the Consolidated Appropriations Act, 2008 (Pub. L. 110–161), that prohibited the Department from finalizing or implementing these proposed regulations.

On February 17, 2009, President Obama signed the Recovery Act, Public Law 111–5, which includes the Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA). The TGAAA reauthorized and substantially amended the TAA program, broadening program coverage, expanding benefits, providing employment and case management services, and replacing the ATAA program with the Retraining Adjustment Assistance program.

Because the substantial amendments made by the TGAAA rendered the two 2006 NPRMs obsolete, they are withdrawn. The Department intends to implement the TGAAA through rulemakings, and interested parties will be invited to submit comments on those proposed rules when they publish.

Signed: at Washington, DC this 29th day of May 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration, Labor.

[FR Doc. E9–13352 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 74

RIN 1219–AB61

Coal Mine Dust Personal Monitors

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; notice of public hearing; re-opening of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) will hold a public hearing on the proposed rule to revise existing requirements to approve sampling devices that monitor miner exposure to respirable coal mine dust. The proposal would establish criteria for the approval of a new type of technology, the ''continuous personal dust monitor'' (CPDM), which would be worn by the miner and would report exposure to dust levels continuously during the shift. In addition, the proposal would update application requirements for the existing ''coal mine dust personal sampler unit'' (CMDPSU) to reflect improvements in this sampler over the past 15 years. This rulemaking is limited to approval requirements and does not address requirements concerning how sampling devices must be used to determine compliance, e.g., who, when, and how often to sample. Those requirements are addressed in existing 30 CFR parts 70, 71, and 90. MSHA is also clarifying its intent that the text in proposed § 74.7(f)(2) be accordance with the specific test defined in IEC 61000–4–6.

DATES: All post-hearing comments must be received by midnight Eastern Daylight Saving Time (EDST) on August 14, 2009.

MSHA and NIOSH will hold a public hearing on July 8, 2009. The **SUPPLEMENTARY INFORMATION** section of this notice includes details of the hearing.

ADDRESSES: Post-hearing comments must be identified with ''RIN 1219–AB61'' and may be submitted to MSHA by any of the following methods:

(1) *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

(2) *Electronic mail: zzMSHA-Comments@dol.gov.* Include ''RIN 1219–AB61'' in the subject line of the message.

(3) *Facsimile:* 202–693–9441. Include ''RIN 1219–AB61'' in the subject line of the message.

(4) *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939.

(5) *Hand Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939. Sign in at the receptionist's desk on the 21st floor.

Post-hearing comments can be accessed electronically at *http://www.msha.gov* under the ''*Rules and Regs''* link. MSHA will post all comments on the Internet without change, including any personal information provided.

Post-hearing comments may also be reviewed at the Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, at *silvey.patricia@dol.gov* (e-mail), 202–693–9440 (voice), or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Existing 30 CFR part 74 specifies requirements by which MSHA and NIOSH jointly approve the design, construction, performance, and manufacturing quality of the CMDPSU. These regulatory requirements, which were issued in 1972, are design specific and do not permit the approval of any other sampling device of a different design. The CMDPSU is currently the only personal dust monitor design that is approved for collecting respirable dust samples in coal mines.

MSHA and NIOSH recognize that the ability to directly measure in real time the amount of respirable coal mine dust to which a miner is exposed offers the best solution for protecting miners from disabling occupational lung disease. Therefore, on January 16, 2009, MSHA and NIOSH issued a proposed rule (74 FR 2915) that would revise requirements in 30 CFR part 74 for the approval of coal mine personal dust sampling devices. The proposed rule would establish performance-based and other requirements for approval of the new personal monitoring device, the CPDM. The CPDM is capable of continuously monitoring and displaying dust concentration measurements during the shift and providing end of shift summary measurements. The performance-based approach in the proposed rule would allow for continued innovation in CPDM designs to accommodate improvements or

alternative designs in technology that may be introduced in the future.

II. Comments Received on the Proposed Rule

a. Section 74.7(d)

Proposed § 74.7(d) (*dust concentration range*) would require that the CPDM provide accurate measurements of respirable coal mine dust concentrations for an end-of-shift average measurement within the range of 10% to two times the permissible exposure limit (PEL) for respirable coal mine dust.

A commenter asked if the requirement would remain the same, i.e., 10% to two times the reduced PEL, if a dust sample contains more than 5% quartz? The commenter also asked if MSHA reduces the PEL for respirable dust or for quartz dust in the future, would this requirement remain the same, i.e., 10% to two times the new PEL?

b. Section 74.7(f)

Proposed § 74.7(f)(2) (*electromagnetic interference*) would require that the CPDM meet standards for the control of and protection from electromagnetic interference established by the American National Standards Institute (ANSI), the Federal Communications Commission (FCC), and the International Electrotechnical Commission (IEC). To address immunity and susceptibility, the proposed standard would require that persons must proceed in accordance with IEC 61000–4 and –6 (Electromagnetic compatibility—Part 4–6: Testing and measurement techniques—Immunity to conducted disturbances, induced by radio-frequency fields).

A commenter stated that as written the standard is confusing as to the depth of testing required. This commenter asked if the intent of the standard was to test against the entire section of 61000–4 through 61000–6, or only sections 61000–4 and 61000–6, or the specific test defined in 61000–4–6?

MSHA inadvertently cited the IEC reference in the proposed standard as IEC 61000–4 and 61000–6. The proposed standard should have been phrased as follows: ''persons must proceed in accordance with IEC 61000–4–6 (Electromagnetic compatibility—Part 4–6: Testing and measurement techniques—Immunity to conducted disturbances, induced by radio-frequency fields).'' In response to the commenter's question, the Agency is clarifying its intent that the proposed test be in accordance with the specific test defined in IEC 61000–4–6.

c. Section 74.7(h)

Proposed § 74.7(h)(1) and (2) (*reporting of monitoring results*) would require—

- Adequate legibility or audibility of monitoring results;
- Computer (i.e., digital) recording of results in a form compatible with widely available computer technology; and
- Reporting of results as cumulative mass concentration in units of mass per volume of air, i.e., milligrams per cubic meter (mg/m^3).

It would also require a digital display that is illuminated and provides a minimum character height of 6 millimeters.

A commenter stated that, except for provisions for the size of characters and end of shift results, there is nothing in this proposed rule that provides for results for shorter time periods (from minutes to hours). This commenter stated that an instrument that provides only the end of shift results would not be acceptable. Additionally, whatever number the instrument displays should not be truncated and, instead, should be rounded as is the customary practice in most other applications. This commenter suggested that the information displayed on the CPDM be the same as described in NIOSH Publication RI 9669.

d. Section 74.7(i)

Proposed § 74.7(i) (*power requirements*) would require that the power source for the CPDM have sufficient capacity to enable continuous sampling for 12 hours in a coal mine dust atmosphere of two times the PEL. It also would require that a CPDM powered by a rechargeable battery be recharged using the standard power supplies in mines (110 VAC).

A commenter supported the proposed requirement that the CPDM be powered continuously for 12 hours since miners work shifts longer than 8 hours. However, this commenter also suggested that CPDMs be capable of operating for a minimum of 16 hours to accommodate full work shifts, up to 16 hours. This commenter further suggested that, if this is not feasible, it should be required in two years.

e. Section 74.7(m)

Proposed § 74.7(m) (*tampering safeguards or indicators*) would specify performance requirements that would help assure that CPDMs are designed to prevent intentional tampering and limit inadvertent altering of monitoring results. It would require that the CPDM have a safeguard or indicator that either prevents altering the measuring or reporting function of the device or indicates if these functions have been altered.

A commenter supported the proposed requirement; however, the commenter doubted that such safeguards could prevent tampering altogether. This commenter suggested that MSHA have other methods to prevent and detect tampering and to prosecute those who perpetuate such fraud.

f. Section 74.10(a)

Proposed § 74.10(a) (*operating instructions and maintenance and service life plan*) is new and would require the manufacturer to include operating instructions and a maintenance and service life plan with each new CPDM sold. Under the proposal, operating instructions would have to be clearly written.

A commenter suggested that the proposal provide more specific and objective criteria, and that operating instructions be written so that anybody in the industry can, after reading them, operate the CPDM.

III. Public Hearing

MSHA and NIOSH will hold a public hearing on the proposed rule. The public hearing will begin at 9 a.m. EDST. The hearing will be held on July 8, 2009, at the Mine Safety and Health Administration, 1100 Wilson Boulevard, 25th Floor Conference Room, Arlington, Virginia.

The hearing will begin with opening statements from MSHA and NIOSH, followed by an opportunity for members of the public to make oral presentations to the hearing panel. Persons and organizations are encouraged to submit requests to speak at the hearing at least 5 days prior to the hearing date. Requests to speak may be made by telephone, facsimile, or mail.

Any unallocated time at the end of the hearing will be made available to persons making same-day requests to speak. Same-day requestors will speak in the order that they sign in at the hearing. Speakers and other attendees may also present information to the MSHA panel for inclusion in the rulemaking record.

The hearing will be conducted in an informal manner. Formal rules of evidence and cross-examination will not apply. The hearing panel may ask questions of the speakers. Speakers may ask questions of the hearing panel. MSHA will make a transcript of the hearing, post it on the Internet at *http://www.msha.gov,* and include it in the rulemaking record.

MSHA will accept written post-hearing comments and data for the record from any interested party, including those not presenting oral statements, until midnight EDST on August 14, 2009.

Dated: June 3, 2009.

Michael A. Davis,

Deputy Assistant Secretary for Operations, Mine Safety and Health.

[FR Doc. E9–13585 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0051; FRL–8915–1]

RIN 2060–AO15

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: On May 6, 2009, EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry (74 FR 21136). EPA has received a request from a major environmental group to schedule additional public hearings and to schedule those hearings later than the original public hearing date. Given the significant public interest in this rule and to further public participation opportunities, EPA is granting the request and has scheduled three public hearings. These hearings will occur in Los Angeles, California on June 16, 2009, Dallas, Texas on June 17, 2009, and Arlington, Virginia on June 18, 2009. More information on the locations is shown in **SUPPLEMENTARY INFORMATION**.

In addition, EPA is extending the deadline for written comments on the proposed amendments to September 4, 2009. EPA received a request for this extension to the comment period from the Portland Cement Association and several cement manufacturing companies. The reason given for the request for the extension was the need for additional time to gather data and review the proposed amendments. Given the fact that the proposed amendments would make significant changes to the current rule, and the request by the cement industry to gather additional data, EPA finds this request to be reasonable.

DATES: *Comments.* Comments must be received on or before September 4, 2009.

Public Hearings. These hearings will occur in Los Angeles, California on June 16, 2009, Dallas, Texas on June 17, 2009, and Arlington, Virginia on June 18, 2009. Persons who wish to present oral testimony at the public hearings must register two business days prior to the hearings. The last day to register will be June 12, 2009 for the Los Angeles hearing, June 15, 2009, for the Dallas hearing, and June 16, 2009, for the Arlington hearing. The registration cut-off time is 5 p.m. EDT on the final day of registration. See **SUPPLEMENTARY INFORMATION** for information on how to register. Note that the preregistration requirement only applies if you wish to present testimony.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0051, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (6102T), National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry Docket, Docket ID No. EPA–HQ–OAR–2002–0051, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry Docket, Docket ID No. EPA–HQ–OAR–2002–0051, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2002–0051. 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.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, 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: If you would like to speak at the public hearing or have questions concerning the public hearing, please contact Ms. Pamela Garrett at the address given below under **SUPPLEMENTARY INFORMATION**. Questions concerning the proposed rule should be addressed to Mr. Keith Barnett, 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) 541–5605; fax number: (919) 541–5450; e-mail address: *barnett.keith@epa.gov*.

SUPPLEMENTARY INFORMATION:

Public Hearing

The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rules. The EPA may ask clarifying questions during the oral presentations, but will not respond formally to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearings. Written comments must be postmarked by the last day of the comment period, September 4, 2009.

The public hearings will be held at the following times and locations:

Los Angeles, CA—June 16, 2009, Wilshire Grand Hotel, 930 Wilshire Blvd, Los Angeles, CA 90017, W: *http://www.wilshiregrand.com/index.aspx.*

Dallas, TX—June 17, 2009, Grand Hyatt DFW, 2337 South International Parkway, PO Box 619045, DFW Airport, TX 75261.9045, W: *http://www.grandhyattdfw.com.* This hotel is located near Terminal B at the Dallas-Fort Worth Airport.

Washington, DC—June 18, 2009, Potomac Yard Conference Center, Environmental Protection Agency, Conference Center—4th floor, Rooms 4370 & 4380, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA 22202. Entrance to this facility requires a photo ID.

The public hearings will begin at 10 a.m. and continue into the evening until 8 p.m. (local time) or later, if necessary, depending on the number of speakers wishing to participate. EPA is scheduling lunch breaks from 12:30 p.m. until 2 p.m. and dinner breaks from 5 p.m. to 6:30 p.m.

If you would like to present oral testimony at the hearings, please notify Ms. Pamela Garrett, EPA, Office of Air Quality Planning and Standards, Sector Policy and Programs Division, Energy Strategies Group (D243–01), Research Triangle Park, NC 27711, telephone number 919–541–7966, e-mail address: *garrett.pamela@epa.gov* (preferred method for registering). If using e-mail, please provide the following information: Time you wish to speak (morning, afternoon, evening), name, affiliation, address, e-mail address, telephone and fax numbers, if you need any audiovisual equipment and what kind (i.e., overhead or LCD projector).

EPA will make every effort to follow the schedule as closely as possible on the day of the hearings; however, please plan for the hearing to run either ahead of schedule or behind schedule. As noted above, registration closes at 5 p.m. EDT two business days prior to each public hearing.

Oral testimony will be limited to 5 minutes for each commenter to address the proposal. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations unless we receive special requests in advance. Commenters should notify Ms. Garrett if they will need specific audiovisual equipment. EPA encourages commenters to provide two copies of their oral testimony either electronically on computer disk, CD–ROM, or paper copy. The hearing schedule, including a list of speakers, will be posted on EPA's Web site for the proposal at *http://www.epa.gov/ttn/atw/pcem/pcempg.html* prior to the hearing. Verbatim transcripts of the hearings and written statements will be included in the rulemaking docket.

Comment Period

Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. For the reasons noted above, the public comment period will now end on September 4, 2009. This extension of the public comment period will also allow for adequate time for public comment after the public hearings.

How Can I Get Copies of the Proposed Rule and Other Related Information?

The proposed rule for the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry was published May 6, 2009 (74 FR 21136). EPA has established the public docket for the proposed rulemaking under docket ID No. EPA–HQ–OAR–2002–0051, and a copy of the proposed rule is available in the docket. We note that, since the proposed rule was published, additional materials have been added to the docket. Information on how to access the docket is presented above in the **ADDRESSES** section.

Dated: June 3, 2009.

Elizabeth Craig,

Acting Assistant Administrator.

[FR Doc. E9–13438 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R6–ES–2009–0015; MO 922105 0083–B2]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List Oenothera acutissima (Narrowleaf Evening-primrose) as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list *Oenothera acutissima* (narrowleaf evening-primrose) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition does not present substantial scientific or commercial information indicating that listing *O. acutissima* may be warranted. Therefore, we will not initiate a further status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of *O. acutissima* or threats to its habitat at any time. This information will help us monitor and encourage the conservation of the species.

DATES: The finding announced in this document was made on June 9, 2009. You may submit new information concerning this species for our consideration at any time.

ADDRESSES: This finding is available on the Internet at *http://www.regulations.gov.* Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Western Colorado Field Office, 764 Horizon Drive, Building B, Grand Junction, CO 81506. Please submit any new information, materials, comments, or questions concerning this finding to the above address.

FOR FURTHER INFORMATION CONTACT: Allan R. Pfister, Field Supervisor, Western Colorado Field Office (see **ADDRESSES** section) (telephone 970–243–2778, extension 29). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files at the time we make the determination. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

We base this finding on information provided by the petitioners that we determined to be reliable after reviewing sources referenced in the petition and information available in our files at the time of the petition review. This finding summarizes the information included in the petition and information available to us at the time of the petition review. Under section 4(b)(3)(A) of the Act and our regulations at 50 CFR 424.14(b), our review of a 90-day finding is limited to a determination of whether the information in the petition meets the ''substantial [scientific or commercial] information'' threshold.

We received a petition, dated April 12, 2006, from the Center for Native Ecosystems and the Colorado Native Plant Society requesting that we list *Oenothera acutissima* as threatened or endangered under the Act. Additionally, the petitioners requested that we designate critical habitat concurrently with listing. The petition identified itself as such and included the requisite identification information for the petitioners, as required by 50 CFR 424.14(a). We acknowledged receipt of the petition in a letter dated June 15, 2006. In that letter, we advised the petitioners that due to prior listing allocations in Fiscal Year 2006, we would not be able to begin processing the petition, and that following a review of available information, we determined that emergency listing of *O. acutissima* was not warranted. Delays in responding to the petition continued due to the high priority of responding to court orders and settlement agreements.

Previous Federal Actions

Oenothera acutissima (known only as *Oenothera* sp. until Wagner provided its full name in 1981) was listed as a Category 2 (C2) candidate for listing on December 15, 1980 (45 FR 82480). Category 2 status included taxa for which information in the Service's possession indicated that a proposed listing rule was possibly appropriate, but for which sufficient data on biological vulnerability and threats were not available to support a proposed rule. In the Candidate Notice of Review (CNOR) published on February 28, 1996, we announced a revised list of plant and animal taxa that were regarded as candidates for possible addition to the Lists of Threatened and Endangered Wildlife and Plants (61 FR 7595). The revised candidate list included only former Category 1 (C1) species. All former Category 2 species were dropped from the list in order to reduce confusion about the conservation status of these species, and to clarify that the Service no longer regarded these species as candidates for listing. Because the species did not meet the threshold of the definition of a C1 species, *O. acutissima* was removed from the candidate list at that time.

This notice constitutes our 90-day finding on the April 12, 2006, petition to list *Oenothera acutissima.*

Species Information and Listable Entity Evaluation

Oenothera acutissima is a member of the Onagraceae (evening-primrose) family. Plants are low-growing, herbaceous, perennial rosettes with a long, branching taproot that can produce new shoots. Leaves are bright green, stiff, 7–14 centimeters (cm) (2.7–5.5 inches (in)) long, and 5–10 millimeters (mm) (0.2–0.4 in) wide with short pointed teeth along each edge. Flowers are bright yellow fading to deep reddish orange, 2.8–5 cm (1–2 in) long, 2.5–4.3 cm (1–1.7 in) wide (Wagner 1981, p. 155). Blooming season is in June, and flowers open in late afternoon and close at mid-morning.

Oenothera acutissima was first recognized by William H. Klein, who collected it with H. D. Harrington in 1966 in Moffat County, Colorado. The species was described in 1981 by Dr. Warren L. Wagner, Curator of Pacific Botany, United States National Herbarium at the Smithsonian (Wagner 1981, p. 153). Dr. Stanley Welsh of Brigham Young University published this species as *Oenothera flava var. acutissima* (Welsh *et al.* 1987, p. 505). However, Wagner asserts that experiments show the two species to be genetically incompatible, and therefore they are two distinct species (Wagner 2006, p. 1). Wagner's treatment is accepted by PLANTS Database (USDA, NRCS 2007), NatureServe (2007), the Integrated Taxonomic Information System online database (2007), the Utah Rare Plant Guide (UNPS 2006), the Colorado Rare Plant Field Guide (Spackman et al. 1997, pp. 1–2), and Weber and Wittmann (2001, p. 232).

Distribution

Oenothera acutissima plants grow on sandy and gravelly soils derived from red quartzite of the Uinta Mountain Group. Occurrences are found in seasonally moist areas in open meadows, depressions, arroyos, and rock crevices of conifer forests at 2,600 meters (m) (8,530 feet (ft)) elevation down to sagebrush scrub communities at 1,190 m (3,904 ft) elevation (Wagner 1981, p. 157). *O. acutissima* is similar to many other evening-primrose species in its ability to thrive on open, bare soil and disturbed ground.

The species is known from 12 occurrences in northeast Utah in Daggett, Duchesne, and Uintah Counties, and 15 occurrences in Colorado in Moffat County, for a total of 27 occurrences. The number of plants estimated by the Utah Natural Heritage Program in Utah is 184,950 (UCDC 2006, 12 records), and estimated by the Colorado Natural Heritage Program (CNHP) in Colorado is 3,410 plants (CNHP 2007, 15 records). Over the total range of 145 by 48 kilometers (km) (90 by 30 miles (mi)), an estimated total of 188,360 plants exist. Land ownership recorded by the Heritage Programs includes 13 occurrences on Federal U.S. Forest Service, Bureau of Land Management (BLM), and National Park Service lands; 3 occurrences are entirely on private land; and 11 occurrences on a combination of Federal and adjacent private lands (UCDC 2006 and CNHP 2007, all records).

Threats Analysis

Section 4 of the Act and its implementing regulations (50 CFR 424) set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B)

overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination.

Under the Act, a threatened species is defined as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. An endangered species is defined as a species that is in danger of extinction throughout all or a significant portion of its range. We evaluated each of the five listing factors to determine whether the level of threat identified by information in the petition or in our files was substantial and indicated that listing *Oenothera acutissima* as threatened or endangered may be warranted. Our evaluation is presented below.

A. Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The petitioners state that substantial threats to the species' habitat include: (1) Livestock trampling; (2) dirt bikes and other off-road vehicles; (3) noxious weeds and seeding; and (4) roads. Each of these topics is discussed below.

Livestock Trampling

The petitioners state that livestock trampling is the most significant potential threat to the species, and follow this assertion with several statements:

- Grazing occurs on all lands within Ashley National Forest and BLM jurisdiction that support occurrences of the plant, and on most private lands that support occurrences. Most sites have been impacted by livestock and several have suffered heavy impacts;
- Several occurrences are immediately adjacent to stock ponds and other cattle congregation areas;
- Trampling alters the species' microhabitat through the effects of soils compaction and changes to water drainage pattern; and
- Actual evidence of impacts from heavy grazing or unsustainable concentrations of livestock has been noted at 4 of the 27 occurrences.

The petitioners characterize the species as one that appears to tolerate moderate levels of habitat disturbance, but may not be able to tolerate it in any long-term sense. The petitioners cite Goodrich (2001a, p. 1) as indicating that ephemeral surface water and a high percentage of bare ground and rock are important elements for the species in its habitat, and that ''soil compaction is also a common feature to the habitat occupied by the plant at this site [a population on the Ashley National Forest].'' Goodrich (2001a, p. 1) predicted that as drainage bottoms become more stable and achieve a higher percentage of ground cover, *Oenothera acutissima* could be displaced by grasses. The petitioners conclude that the sandy or gravelly microhabitat essential for the species may not continue to be available over the life of a given meadow or drainage bottom.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

Documentation by Goodrich (2001a, p. 1; 2001b), which is cited in the petition, is inconsistent with the petitioners' assumptions about the impacts of cattle on *Oenothera acutissima.* In addition to the statement cited above regarding soil compaction, Goodrich (2001a, p. 1) indicates that ''ungulate grazing is indicated to be compatible with this plant, and at some levels can be expected to increase populations of this plant.'' In 1988, 1997, 2001, 2004, 2005, and 2006, Goodrich (2006a) revisited several *O. acutissima* occurrences. In 1988, he photographed unusually large plants growing in a highly disturbed drainage within a private pasture that had been grazed since the late 1800s. He again found numerous plants at the same site in 2006 (2006a, file # 339–1). Goodrich (2006b, p. 1) concluded from these examples that livestock grazing is actually compatible with these plants.

Wagner (1981, p. 157) described a site that was heavily grazed in 1966, where *Oenothera acutissima* was found growing in rock crevices and *Oenothera flava* was growing 15 m (49 ft) away in clayey soil along the shore of a reservoir. Wagner found no plants in the drainage below this heavily grazed site from 1973 to 1978, but in 2000, 100 plants were found (CNHP 2007, EO ID 3602). This observation supports the conclusion that cattle trampling is not a substantial threat to the species, and illustrates the resilience of the species in grazed areas. Additionally, in Colorado, Culver surveyed seven occurrences where plants were present in 2006. She reported some trampling of plants at only one occurrence, where she found 500–1,000 plants (CNHP 2007, EO ID 4727).

The petitioners' assumptions that *Oenothera acutissima,* an opportunistic species, will not persist long term in conditions of continued grazing and trampling, and that stabilization of eroded ground will result in too much competition from other plants, are not supported by the literature. Goodrich's (2001a, p. 1; 2006b, p. 1) field work documented that trampling may help maintain habitat for the species. He concludes that persistence of abundant plant populations in areas with a long history of grazing indicates compatibility with grazing.

The petition relies on general assumptions about the effects of livestock grazing, but does not provide data relevant to this species. The petition does not consider the results of field research documenting the 100-year co-occurrence of the species with livestock grazing, or that trampling by cattle may play a beneficial role in maintaining the unique habitat for this particular species, which thrives in open areas of bare ground (Goodrich 2001a, p. 1; 2001b; 2006b, p. 1).

Based on our evaluation of the information provided in the petition and information available to us at the time of petition review, we have determined that the petition does not present substantial information to indicate that listing of *Oenothera acutissima* may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range due to livestock trampling.

Dirt Bikes and Other Off-Road Vehicles

The petition states that off-road vehicles (ORVs) damage and destroy *Oenothera acutissima* plants, change runoff patterns causing eroded soils and changed community composition of mesic habitats, and cause dust to cover plants. The petitioners indicate that several *O. acutissima* occurrences have been impacted by damage, and that one area of habitat supporting plants has been observed with ORV tire tracks running through it. They indicate that off-road and cross-country travel is allowed in almost all occurrences of *O. acutissima,* and that ORV use is increasing dramatically on public lands of the West.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

The petitioners cite one observation of ORV tracks in plant habitat; no information is given to indicate direct impact on plants, nor is there any documentation of direct or indirect ORV impacts to *Oenothera acutissima* plants in our files. The petition includes generally accepted descriptions of potential threats to plants and habitats from ORV use, but does not show that these potential threats may result in

impacts to more than one occurrence of *O. acutissima.* Again, the petitioners have provided general information on a potential threat, but not provided any evidence on actual impacts from ORV use.

On the basis of a review of the information provided by the petitioners and that readily available in our files, we have determined that the petition does not provide substantial information, nor does the Service have information, to indicate that listing *Oenothera acutissima* may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range due to the use of dirt bikes and other ORVs.

Noxious Weeds and Seeding

The petitioners state that noxious weeds and seeding may constitute a threat to *Oenothera acutissima* because they could eliminate or alter the bare ground microhabitat of the species by changing flow patterns of water in ephemeral stream channels or by anchoring more soil within stream channels. The petitioners indicate that weed species have been seen occupying many of the *O. acutissima* occurrences, and therefore noxious weeds are known to be a problem. They indicate that at least 3 of the 27 *O. acutissima* occurrences have been invaded by noxious weeds.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

The petition provides no information to substantiate that noxious weeds and seeding are impacting, or are likely to impact, *Oenothera acutissima* occurrences. CNHP records describe weeds growing in and around springs at two of the three occurrences cited in the petition (CNHP 2007, EO IDs 4727, 502). No impacts to the plants are noted in CNHP data, and noxious weed species are not mentioned or identified. Occurrence records often mention varieties of grasses and forbs growing with *O. acutissima,* but cheatgrass (*Bromus tectorum*) is the only weed species mentioned (CNHP 2007, all records).

On the basis of a review of the information provided by the petitioners and that readily available in our files, we have determined that the petition does not present substantial information to indicate that listing *Oenothera acutissima* may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range by noxious weeds and seeding.

Roads

The petitioners state that most *Oenothera acutissima* occurrences are near roads, and that many occurrences are bisected by roads. They indicate that at least seven *O. acutissima* sites are immediately adjacent to roads or trails that provide recreationists with either restricted access across *O. acutissima* habitat or unrestricted open access into the habitat. The petitioners indicate that habitat could be impacted by soil compaction, fine particle deposition on the plants, alterations in hydrologic flow above the plants, spread of invasive plants, increased ORV access and use, and destabilization of the drainages where the plants are found.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

Roads near or through *Oenothera acutissima* habitat exist, but no available information indicates that roads result in negative effects to *O. acutissima* or its habitat. Available information indicates that this species actually takes advantage of ground disturbance associated with roads. Goodrich (2006a, files 3–14A2, 3–14RS) compared photographs taken in 1997 and 2006 of a roadside occurrence of *O. acutissima* on open range. Plants were monitored and appeared to be increasing along a roadside transect between the hardened surface of the road and the adjacent sagebrush community. Another pair of photographs (Goodrich 2006a, file 339–1) showed unusually large *O. acutissima* plants in the highly disturbed down-drainage side of a road culvert in 1988, and numerous plants could still be seen in the 2006 photograph of the same drainage.

On the basis of a review of the information provided by the petitioners and that readily available in our files, we have determined that the petition does not present substantial information to indicate that listing *Oenothera acutissima* may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range by roads and associated access.

Other Threats

The petitioners also state that some occurrences are threatened by other activities, including water diversions and meadow channeling; recreational activities including camping, firewood gathering, and hunting; logging; dense housing and infrastructure development; changes in habitat due to ecological succession; and flooding. The petitioners describe four sites where some of these other potential threats are present, and these are the same sites that support the highest number of plants.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

The petitioners provided no specific information, nor do we have any information in our files, to substantiate the extent of these activities and their potential impacts on *Oenothera acutissima.* Once again, the question of speculative, generic potential threats has been raised, but no evidence on actual impacts from these potential threats has been documented.

On the basis of a review of the information provided by the petitioners and readily available in our files, we determined that the petition does not present substantial information to indicate that listing *Oenothera acutissima* may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range by other threats, including water diversions and flooding, recreational activities, logging, housing and infrastructure development, or ecological succession.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petitioners provide no information, nor do we have any information in our files, pertaining to Factor B. Therefore, we have determined that the petition does not present substantial information to indicate that listing *Oenothera acutissima* may be warranted due to overutilization for commercial, recreational, scientific, or educational purposes.

C. Disease or Predation

The petitioners cite a conversation with Goodrich indicating that herbivory is not a serious threat to *Oenothera acutissima,* because no species seems to seek it out for foraging. They note one occurrence record of heavily grazed plants.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

One observation of herbivory by cattle and horses is noted in occurrence records, where the tips of the plants were grazed along with comingled grasses and forbs (CNHP 2007, EO ID 4727). However, one observation at one plant occurrence (out of 27) does not present substantial information to

indicate that herbivory is a threat to the species. Therefore, we have determined that the petition does not provide substantial information to indicate that listing *Oenothera acutissima* may be warranted due to herbivory or other forms of predation.

D. Inadequacy of Existing Regulatory Mechanisms

The petitioners allege that no Federal, State, or other regulatory mechanisms adequately protect *Oenothera acutissima,* and that BLM fails to manage with sensitive species in mind. The petitioners could find no record of *O. acutissima* being considered in management decisions that would affect its habitat or occurrences. The petitioners assert that few restrictions regarding ORV use exist within the range of *O. acutissima.* They indicate that BLM has failed to designate six Areas of Critical Environmental Concern proposed in a working draft of a revised Resource Management Plan (RMP), and that BLM is highly unlikely to designate these areas given the typical patterns of RMP adoption. The petitioners state that the current condition of the plant's habitat is evidence that regulatory mechanisms at every level are inadequate.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

Oenothera acutissima is, in fact, managed as a Sensitive Species by BLM in Colorado, as designated by the BLM State Director, with special management consideration. The BLM Manual 6840 provides policy direction that BLM sensitive plant species are to be managed as if they were candidate species for Federal listing, in order to preclude listing, while also fulfilling other Federal law mandates. BLM manages about 30 percent of the *O. acutissima* occurrences (UCDC 2006 and CNHP 2007, all records).

About 24 percent of the species' occurrences are located within Ashley National Forest in Utah, managed by the U.S. Forest Service (UCDC 2006, all records). The USFS decided in 1996 that *O. acutissima* did not meet its criteria for sensitive status due to: (1) A number of surveys that resulted in discovery of several populations and several hundreds of individuals, and (2) lack of threats, specifically little if any negative impacts due to cattle grazing (Goodrich 2006b, p. 1). The USFS continues to monitor the status of the species within its grazing allotments (Goodrich 2001a, 2001b, and 2006a, all pages).

Colorado and Utah do not have State regulatory mechanisms for protecting rare plant species; however, the information in the petition and currently available in our files does not indicate that the species requires additional regulatory mechanisms to sustain it or that it is threatened by the lack of regulatory mechanisms necessary to address threats. All but 3 of the 27 *Oenothera acutissima* occurrences are completely or partially on Federal land, and are therefore protected from some forms of permanent habitat loss, such as residential development.

Further, as indicated in other portions of this finding, the petition has failed to present substantial information indicating that grazing and ORV use are a threat to *Oenothera acutissima* throughout the species' range. We find that the petitioners' claim that there are few restrictions regarding ORV use within the range of *O. acutissima* does not constitute an argument for inadequacy of existing regulations, because we do not find substantial evidence that ORV use is a threat.

Based on our evaluation of the information presented in the petition and readily available in our files, we have determined that the petition does not present substantial information to indicate that listing *Oenothera acutissima* may be warranted due to the inadequacy of existing regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The petitioners indicate that its extremely narrow range and limited habitat type, small number of plants, and small number of populations make *Oenothera acutissima* vulnerable to anthropogenic impacts, environmental and genetic stochasticity, and climate change. They state that climate change is likely to affect the species because a warmer and drier trend has been recorded in the region.

Evaluation of Information in the Petition and Information Available to Us at the Time of Petition Review

No specific information was provided nor is available in our files to indicate that population size, range, and number of populations are so limited that other natural or manmade factors would substantially impact *Oenothera acutissima.* The petitioners' claims are not supported by data or by references that apply to the species or its habitat. The total number of plants estimated in Colorado (CNHP 2007, all records) and Utah (UCDC 2006, all records) is 188,360 plants scattered over a range of 145 by 48 km (90 by 30 mi). No recounts are available to precisely compare population sizes and determine whether there has been a downward trend in the number of plants. Additionally, no data are available to show that a warmer and drier weather trend has negatively affected the water supply, habitat, or population sizes of *O. acutissima.*

In the absence of any data or other information, the petitioners' generalized statements regarding other factors that potentially threaten *Oenothera acutissima* are unsubstantiated. Based on our evaluation of the information presented in the petition and readily available in our files, we have determined that the petition does not present substantial information to indicate that listing *O. acutissima* may be warranted due to other natural or manmade factors affecting the species' continued existence.

Finding

We have reviewed the petition, literature cited in the petition, and information available in our files. After careful evaluation, we find that neither the petition nor information in our files presents substantial scientific or commercial information to indicate that listing *Oenothera acutissima* (narrowleaf evening-primrose) as endangered or threatened under the Act may be warranted.

The petitioners state that nearly all *Oenothera acutissima* occurrences are on active grazing allotments, open to ORVs, and near roads, and cite generalized information about potential impacts that can occur due to these situations. However, few negative impacts to the plants have resulted or been documented from the potential threats cited in the petition. Little information is presented in the petition regarding the magnitude of potential impacts, or whether they may have population-level effects. The petitioners state that, when little information is available about population trends and impacts of threats to specific occurrences, the presence of alleged threats such as grazing, combined with scientific information available about the typical effects of grazing on such habitat, lead to the conclusion that plant occurrences are likely to be negatively affected. However, we find that speculation about potential threats and hypothetical impacts, without data supporting these claims, does not meet the criteria described in the Act on making a finding as to whether a petition presents substantial scientific or commercial information indicating that a petitioned action may be warranted.

Our regulations define ''endangered species'' as ''a species that is in danger

of extinction throughout all or a significant portion of its range'' (50 CFR 424.02(e)). Similarly, our regulations define a ''threatened species'' as ''any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (50 CFR 424.02(m)). Our review of the available information indicates that the species appears to be maintaining its presence in known locations throughout its range from 1966 to the present. Despite several potential threat factors, the petition and the information in our files do not present substantial information indicating that any factor, or combination of factors, suggests that the petitioned action, listing as threatened or endangered with critical habitat, may be warranted for *Oenothera acutissima.*

Although we will not commence a status review in response to this petition, we will continue to monitor *Oenothera acutissima's* population status and trends, potential threats, and ongoing management actions that might be important with regard to the conservation of the species across its range. We encourage interested parties to continue to gather data that will assist with the conservation of the species. If you wish to provide information regarding *O. acutissima,* you may submit your information or materials to the Field Supervisor, Western Colorado Field Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

References Cited

A complete list of all references cited in this document is available upon request from the Western Colorado Field Office (see **ADDRESSES** section).

Author

The primary authors of this document are the staff members of the U.S. Fish and Wildlife Service, Western Colorado Field Office (see **ADDRESSES** section).

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 29, 2009.

Stephen Guertin,

Acting Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. E9–13313 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R7–ES–2008–0105; 92210–1117–0000–B4]

RIN 1018–AV92

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the extension of the public comment period on the proposed designation of critical habitat for the southwest Alaska Distinct Population Segment (DPS) of the northern sea otter (*Enhydra lutris kenyoni*) under the Endangered Species Act of 1973, as amended. We also announce the availability of a draft economic analysis (DEA) and an amended required determinations section of the proposal. We are extending the comment period for an additional 30 days from the date of this notice to allow all interested parties an opportunity to comment simultaneously on the revised proposed rule, the associated DEA, and the amended required determinations section. If you submitted comments previously, you do not need to resubmit them because we have already incorporated them into the public record and will fully consider them in preparation of the final rule.

DATES: We will consider comments received on or before July 9, 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–R7–ES–2008–0105; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.
- *Public Hearing:* We will hold one public hearing on June 18, 2009, at the Z.J. Loussac Library in Anchorage, Alaska. In addition to having the opportunity to provide oral comments in person, telephone access will be provided for this hearing. Contact the Marine Mammals Management Office (see **FOR FURTHER INFORMATION CONTACT**) for more information about this public hearing.
- *Public Comment Hotline:* We will also establish a toll-free public comment hotline at 877–577–6930. Callers will have an opportunity to record their comments at any time during the public comment period.

We will post all comments on *http://www.regulations.gov* (see the ''Public Comments'' section below for more information).

FOR FURTHER INFORMATION CONTACT: Douglas M. Burn, Wildlife Biologist, U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, by telephone (907–786–3807), or by facsimile (907–786–3816). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written and oral comments and information during this extended comment period on the proposed rule to designate critical habitat for the southwest Alaska DPS of the northern sea otter (*Enhydra lutris kenyoni*) that was published in the **Federal Register** on December 16, 2008 (73 FR 76454), the draft economic analysis of the proposed 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 Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether the benefit of designation would outweigh any threats to the species due to designation, such that the designation of critical habitat is prudent.

(2) Specific information on:

- The distribution of the northern sea otter in southwest Alaska;
- The amount and distribution of habitat of the Southwest Alaska DPS of the northern sea otter; and
- What areas occupied at the time of listing that contain features essential for the conservation of the species 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 species 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 that may result from the proposed designation and, in particular, any impacts on small entities, and the benefits of including or excluding areas from the proposed designation that exhibit these impacts.

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.

(6) Information on the extent to which the description of economic impacts in the DEA is complete and accurate.

(7) The likelihood of adverse social reactions to the designation of critical habitat, as discussed in the DEA, and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed critical habitat designation.

(8) Special management considerations or protections that the proposed critical habitat may require.

You may submit your comments and materials concerning the proposed 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 that you provide, such as your address, phone number and e-mail address—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 and DEA, 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, Marine Mammals Management Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule and the DEA on the Internet at *http://www.regulations.gov* at Docket Number FWS–R7–ES–2008–0105, or by mail from the Marine Mammals Management Office (see **FOR FURTHER INFORMATION CONTACT** section).

Background

It is our intent to discuss only those topics directly relevant to the designation of critical habitat. On December 19, 2006, the Center for Biological Diversity filed suit against the Service for failure to designate critical habitat for the southwest Alaska DPS of the northern sea otter within the statutory timeframe (*Center for Biological Diversity et al.* v. *Kempthorne et al.,* No. 1:06–CV–02151–RMC (D.D.C. 2007)). On April 11, 2007, the U.S. District Court for the District of Columbia entered an order approving a stipulated settlement of the parties requiring the Service on or before November 30, 2008, to submit to the **Federal Register** a determination as to whether designation of critical habitat for the southwest Alaska DPS of the northern sea otter is prudent, and if so, to publish a proposed rule. The order also requires the Service on or before October 1, 2009, to submit to the **Federal Register** a final rule designating critical habitat.

On December 16, 2008, we published a proposed rule to designate critical habitat for the southwest Alaska DPS of the northern sea otter (73 FR 76454). We proposed to designate approximately 15,225 square kilometers (5,879 square miles) in 5 units located in southwest Alaska as critical habitat. The boundaries of these units correspond to management units in a draft recovery plan that is currently under development. The proposed rule had an initial 60-day comment period that closed on February 17, 2009. Because the initial comment period partially overlapped the holiday season, we reopened the public comment period on May 8, 2009. This second comment period was scheduled to close on July 1, 2009. This notice extends the second comment period to July 9, 2009. During the public comment period associated with this Notice, we will hold one public hearing in Anchorage, Alaska, that will include telephone access. In addition, we will establish a toll-free ''public comment hotline'' that will operate throughout the entire 30-day public comment period. Use of this hotline will provide greater access to concerned citizens who wish to submit verbal comments, but are unable to attend the public hearing in person or by telephone.

For more information on the southwest Alaska DPS of the northern sea otter or its habitat, refer to the final listing rule published in the **Federal Register** on August 9, 2005 (70 FR 46366), which is available on the Internet at *http://ecos.fws.gov/docs/federal_register/fr4423.pdf* or from the Marine Mammals Management Office (see **FOR FURTHER INFORMATION CONTACT**).

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 that affect critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

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 (DEA), which identifies and analyzes the potential economic impacts associated with the proposed critical habitat designation for the southwest Alaska DPS of the northern sea otter that we published in the **Federal Register** on December 16, 2008. The DEA quantifies the potential economic impacts of all conservation efforts for the southwest Alaska DPS of the northern sea otter; some of these costs will likely be incurred regardless of whether we designate critical habitat. The economic impact of the proposed 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 (e.g., 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 critical habitat.

The DEA provides estimated costs of the reasonably foreseeable potential economic impacts of the proposed critical habitat designation for the southwest Alaska DPS of the northern sea otter over the next 20 years, which was determined to be the appropriate period for analysis because limited planning information was available for most activities to forecast activity levels for projects beyond a 20-year timeframe. It identifies potential incremental costs as a result of the proposed critical habitat designation, which are those costs attributed to critical habitat over and above those baseline costs attributed to listing. The DEA quantifies economic impacts of conservation efforts for the southwest Alaska DPS of the northern sea otter associated with the following categories of activity: (1) Oil spill planning and response; (2) oil and gas exploration and development; (3) marine and coastal construction activities; and (4) water quality management.

Baseline economic impacts are those impacts that result from listing and other conservation efforts for the southwest Alaska DPS of the northern sea otter not attributable to designation of critical habitat and thus are expected to occur regardless of whether we designate critical habitat. Total future (2009–2028) baseline impacts are estimated to range from $37.7 million applying a 7 percent discount rate, to $49.8 million applying a 3 percent discount rate. Construction and water quality management activities are expected to bear the majority of forecast baseline impacts. The majority of baseline economic impacts are estimated to occur in critical habitat Unit 5 (56 percent) and Unit 2 (28 percent).

Overall, the future (2009–2028) incremental impacts (those estimated to occur because of critical habitat designation) designating critical habitat are relatively small, ranging from $660,000 applying a 7 percent discount rate to $885,000 applying a 3 percent discount rate, amounting to an increase of 1.8 percent over baseline impact levels. The majority of incremental impacts are estimated to occur primarily in critical habitat Unit 5 (40 percent), followed by Unit 3 (30 percent). By comparison, estimated baseline and incremental impacts are relatively low in critical habitat Units 1 and 4. Oil spill planning and response activities are expected to bear a majority of the forecast incremental cost impacts associated with critical habitat designation. Administrative costs of consultation represent roughly 93 percent of the forecast incremental costs of otter critical habitat designation.

As stated earlier, we are soliciting data and comments from the public on the DEA, as well as all aspects of the proposed rule and our amended required determinations. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the public comment period. 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, provided the exclusions will not result in the extinction of this species.

Areas Considered for Exclusion

Based on comments submitted during the initial public comment period from December 16, 2008, to February 17, 2009, we are evaluating whether the benefits of the exclusion of some areas from the proposed critical habitat outweigh the benefits to the species from their inclusion in the designation. We summarize the requests for exclusion below. The complete comment submissions can be reviewed at *http://www.regulations.gov*, Docket ID: FWS–R7–ES–2008–0105. Exclusions, if any, will be made to the final designation.

(1) In their comment letter dated February 10, 2009, the Department of the Navy (Document ID: FWS–R7–ES–2008–0105–0008.1) requested that we exclude critical habitat designation for the areas contiguous to each of the islands in Unit 5 under section 4(b)(2) of the Act due to national security importance.

(2) In their comment letter dated February 17, 2009, the State of Alaska (Document ID: FWS–R7–ES–2008–0105–0018.1) noted that ''some areas proposed for critical habitat designations will not meet part (b) of this definition (of critical habitat) because they are already protected and therefore do not require additional special management considerations or protection.'' The State of Alaska also requested exclusion of several areas under Section 4(b)(2) of the Act for economic reasons. These areas are:

- Port Moller-Herendeen Bay (Subunit 4C);
- Areas in Cook Inlet/Eastern Alaska Peninsula/Kodiak Island identified through the pending economic analysis as economically important;
- Tidelands adjacent to communities up to 1-mile radius;
- Barefoot Beach Log Transfer Facility: within Kazakof Bay on Afognak Island;
- Lookout Cove Log Transfer Facility: within Kazakof Bay on Afognak Island; and
- Chignik Bay.

(3) In their letter of February 17, 2009, the Resource Development Council (Document ID: FWS–R7–ES–2008–0105–0020.1) requested that we exclude the following areas under Section 4(b)(2) for economic reasons:

- Areas surrounding activities relating to existing fishing and transportation on islands, including but not limited to: Attu, Atka, Adak, Unalaska, Akutan, Kodiak and Afognak.
- Areas immediately surrounding established villages and existing transportation access for the villages in the area.
- Areas where State of Alaska oil and gas leases have been issued, including but not limited to, Herendeen Bay and Port Moller.
- Areas in western Cook Inlet, into the Lake Iliamna area from Williamsport, which will be used for fuel and supplies for residents as well as for potential large-scale mining projects.
- Areas used for access by logging transportation around the Kodiak archipelago, including but not limited, to Kazikof Bay on Afognak Island.

(4) In their submission on February 17, 2009, the Alaska Sea Otter and Steller Sea Lion Commission (Document ID: FWS–R7–ES–2008–0105–0021) noted the high cost of living in rural communities in southwest Alaska, and requested that we exclude areas ''in immediate proximity to these communities'' under section 4(b)(2) of the Act for economic reasons.

Aside from these areas now being considered for possible exclusion from the final designation of critical habitat, no other areas are being considered for exclusion, at this time, and the proposed designation of critical habitat remains unchanged as presented.

Required Determinations—Amended

In our December 16, 2008, proposed rule, 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 used the DEA data to make these determinations. In this document, we affirm the information in our proposed rule concerning Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 12630 (Takings), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), the Unfunded Mandates Reform Act, 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 revise our required determination concerning the Regulatory Flexibility Act and E.O. 13211 (Energy, Supply, Distribution, and Use).

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 (SBREFA) of 1996), 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), as described below. 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 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 our final rulemaking.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations, and small governmental jurisdictions including school boards and city and town governments that serve fewer than 50,000 residents, as well as 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 with 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 designation of critical habitat for the southwest Alaska DPS of the northern sea otter would affect a substantial number of small entities, we considered the number of small entities affected within particular types of economic activities, such as oil spill planning and response, oil and gas exploration and development, marine and coastal construction activities, and water quality management. Specifically, we identified 12 small entities that may be potentially affected by these activities (3 are in the deep sea freight transportation business, 2 are in the general construction business, 3 are government jurisdictions, and 4 are in the seafood processing business). In estimating the numbers of small entities potentially affected, we considered whether the activities of these entities may entail any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement; designation of critical habitat affects activities conducted, funded, or authorized by Federal agencies.

If we finalize this proposed critical habitat designation, Federal agencies must consult with us under section 7 of the Act if their activities may affect designated critical habitat. Consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process.

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 in the DEA the potential impacts resulting from implementation of conservation actions related to the proposed designation of critical habitat for the southwest Alaska DPS of the northern sea otter on each of the 12 small entities discussed above. As described in Appendix A of the DEA, the potential impacts are likely to be associated with construction, oil spill response activities, and water quality issues. The average annualized incremental impacts to small entities ranges from $2,407 for seafood processors to $4,367 for deep sea freight transporters, applying a 7% discount rate. We therefore conclude that costs to small entities will not be significant. Please refer to the DEA for a more detailed discussion of potential economic impacts.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. We have identified 12 small entities that may be impacted by the proposed critical habitat designation. For the above reasons and based on currently available information, we certify that if promulgated, the proposed designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Executive Order 13211—Energy Supply, Distribution, and Use

On May 18, 2001, the President issued an Executive Order (E.O. 13211; Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) 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. The DEA concludes that the future of oil and gas exploration and development activities within the proposed critical habitat area are uncertain. Despite a significant body of research regarding the potential for oil and gas development activities in Alaska, no forecast exists for the proposed critical habitat area.

The only potential economic impacts quantified in the DEA that may be relevant to E.O. 13211 are oil spill response activities associated with energy use. As described in the DEA, an estimated 152 oil spills requiring consultation are anticipated in southwest Alaska over the next 20 years. Because future consultations will consider both jeopardy and adverse modification of critical habitat, the incremental costs of these consultations is estimated to range from $148,000, applying a 7% discount rate, to $467,000 applying a 3% discount rate.

In our proposed rule we stated that we did not expect the proposed rule to significantly affect energy supplies, distribution (including shipping channels), or use because most oil and gas development activities would not overlap with the habitats used by northern sea otters, and we would not expect the activities to cause significant alteration of the PCEs. Any proposed development project likely would have to undergo section 7 consultation to ensure that the actions would not destroy or adversely modify designated critical habitat. Consultations may entail modifications to the project to minimize the potential adverse effects to northern sea otter critical habitat. A spill-response plan would have to be developed to minimize the chance that a spill would have negative effects on sea otters or critical habitat. However, we conduct thousands of consultations every year throughout the United States, and in almost all cases, we are able to accommodate both project and species' needs. We expect that to be the case here. We conclude that this action is not a significant energy action, and no Statement of Energy Effects is required.

Authors

The primary authors of this notice are the staff members of the Marine Mammals Management Office, Alaska Region, U.S. Fish and Wildlife Service.

Authority

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

Dated: June 1, 2009.

Jane Lyder,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E9–13314 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 74, No. 109
Tuesday, June 9, 2009

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 3, 2009.

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

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

Food and Nutrition Service

Title: MyPyramid Tracker Information Collection for Registration, Login, and Food Intake and Physical Activity Assessment Information.

OMB Control Number: 0584–0535.

Summary of Collection: The U.S. Department of Agriculture (USDA), Center for Nutrition Policy and Promotion (CNPP) supports and promotes the health of all Americans by producing and promoting up-to-date science-based dietary guidance, including the Dietary Guidelines for Americans 2005 and the USDA's MyPyramid Food Guidance System. CNPP has two interactive tools, MyPyramid Menu Planner and MyPyramid Tracker, to provide consumers with personalized nutrition and physical activity assessments based on the current Dietary Guidelines for Americans. The authority to collect the information can be found under Subtitle D of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171–3175) and 7 CFR 2.19(a)(3).

Need and Use of the Information: MyPyramid Menu Planner and MyPyramid Tracker are tools that can assist the public in making diet and physical activity choices. Users voluntarily go to the MyPyramid.gov web site to submit information. The information obtained from users is stored in a user account, which is maintained by USDA information technology (IT) staff. If the information is not collected, users will not be able to assess individual food intake and physical activity status.

Description of Respondents: Individual or Households.

Number of Respondents: 3,310,722.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 6,843,466.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–13377 Filed 6–8–09; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2009–0012]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0658]

Interagency Retail Listeria monocytogenes Risk Assessment: Notice of a Public Meeting

AGENCIES: Food Safety and Inspection Service, USDA; Center for Food Safety and Applied Nutrition, Food and Drug Administration, DHHS.

ACTION: Notice of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration/Center for Food Safety and Applied Nutrition (FDA/CFSAN) are holding a public meeting to present the background, approach, scope, and data needs for a recently initiated interagency risk assessment of the public health impact of foodborne *Listeria monocytogenes* (*L. monocytogenes*) in some ready-to-eat foods that are sliced, prepared, or packaged in retail facilities. The purpose of this ''Interagency Retail *L. monocytogenes* Risk Assessment'' is to ascertain the effect on the public health of current practices and potential interventions that reduce or prevent *L. monocytogenes* contamination in ready-to-eat foods. FSIS and FDA invite interested individuals, organizations, and other stakeholders to participate in the meeting and comment on this topic.

DATES: The public meeting will be held on Tuesday, June 23, 2009, 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024, Telephone: 202–484–1000.

Registration: Pre-registration for this meeting is encouraged. To pre-register, access the FSIS Web site, *http://www.fsis.usda.gov/News/Meetings_&_Events/*.

Contact Sheila Johnson for more information on logistics at 202–690–6498. Persons requiring a sign language interpreter or other special accommodations should notify Sheila Johnson by June 16, 2009.

Regardless of attendance at the public meeting, FSIS and FDA invite interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the Online instructions at that site for submitting comments. Comments to FSIS:

Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, FSIS, 1400 Independence Avenue, SW., Room 2534, South Agriculture Building, Washington, DC 20250–3700.

Instructions: All items submitted to FSIS by mail or electronic mail must include the Agency name and docket number FSIS–2009–0012. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

For access to background documents or comments received, go to the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

Comments to FDA: Interested persons may submit written or electronic comments to the FDA Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20857. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with docket number FDA–2008–N–0658. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

FSIS: Janell Kause, Director, Risk Assessment Division, Office of Public Health Science, USDA, 901 D Street, SW., Washington, DC 20024, Telephone: 202–690–0286, *FAX:* 202–690–6337, e-mail: *Janell.Kause@fsis.usda.gov.*

FDA: Sherri Dennis, FDA/CFSAN, Risk Assessment Coordination Team, HFS–005, 5100 Paint Branch Parkway, College Park, Maryland 20740, Telephone: 301–436–1914, *FAX:* 301–436–2641, e-mail: *Sherri.Dennis@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In 2003, FDA and FSIS issued a quantitative assessment of the relative risk to public health from foodborne *L. monocytogenes* among selected categories of ready-to-eat foods (Reference 1). Among the ready-to-eat foods evaluated in the assessment, deli meats were considered to present the highest risk per serving and the highest risk per annum. In 2008, FSIS conducted a comparative risk assessment on *L. monocytogenes* in ready-to-eat meat and poultry deli meats to estimate the relative risk of illness from *L. monocytogenes* on deli meat sliced and packaged at federally inspected processing establishments compared to deli meat sliced at retail facilities (Reference 2). The result of that risk assessment indicated that approximately 83 percent of all listeriosis cases and deaths attributed to deli meat consumption are associated with deli meat sliced and packaged at retail.

However, little is known about how *L. monocytogenes* contamination occurs in retail facilities. Retail practices may result in either cross-contamination from one product to another or through contamination from the retail environment. Therefore, it is important for the Agencies to identify potential sources and practices that may contribute to *L. monocytogenes* contamination in retail settings. Also, it is important for the Agencies to identify interventions that could control, reduce, or eliminate *L. monocytogenes* contamination of ready-to-eat foods sliced, prepared or packaged in retail facilities.

In light of the need for the Agencies to identify how *L. monocytogenes* contamination occurs at retail, FSIS and FDA initiated a joint interagency risk assessment that will evaluate the dynamics of *L. monocytogenes* contamination in retail facilities. The risk assessment will evaluate how retail practices could affect contamination, and the relative effectiveness of various process changes and intervention strategies intended to reduce listeriosis. It will address both FSIS- and FDA-regulated ready-to-eat foods. It will focus on foods that are sliced, prepared, or packaged for the consumer in the retail environment and consumed in the home. Cheeses, deli meats, and deli-type salads (as defined in Reference 1) Will be studied as representative examples. A request for comments and scientific data and information was published for this risk assessment on January 21, 2009 (74 FR 3617) (Reference 3).

II. Purpose of the Meeting and Agenda

The purpose of the meeting is to introduce and discuss the scope and the objectives of this interagency retail *L. monocytogenes* risk assessment and to solicit input and comments on how FSIS and FDA may conduct this risk assessment.

A copy of the agenda will be made available for viewing prior to the meeting at FSIS: *http://www.fsis.usda.gov/News/Meetings_&_Events/* and at *FDA: http://www.cfsan.fda.gov/register.html.*

The meeting agenda will include presentations on background information relevant to *L. monocytogenes* at retail and specific information about the scope of the risk assessment, the risk assessment's conceptual model, data sources, and needs. Time will be provided for questions from the participants and also for comments.

III. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* The transcript may be viewed at FSIS: FSIS Docket Room, Docket Clerk, U.S. Department of Agriculture, FSIS, 1400 Independence Avenue, SW., Room 2534, South Agriculture Building, Washington, DC 20250–3700, and will also be posted on the Agency Web site (*http://www.fsis.usda.gov*). It may also be viewed at FDA: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD. A copy of the transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, Room 6–30, Rockville MD 20857.

IV. References

The following references are on display in the FSIS Docket Room at the address above between 8:30 a.m. and 4:30 p.m., Monday through Friday, and in the FDA Division of Dockets Management at the address above between 9 a.m. and 4 p.m., Monday through Friday. (FSIS and FDA have verified the following Web site addresses, but FSIS and FDA are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register.**)

1. U.S. Department of Health and Human Services, Food and Drug

Administration and U.S. Department of Agriculture, Food Safety and Inspection Service, ''Quantitative Assessment of Relative Risk to Public Health from Foodborne *Listeria monocytogenes* Among Selected Categories of Ready-to-Eat Foods,'' September 2003, *http://www.foodsafety.gov/~dms/lmr2-toc.html.*

2. U.S. Department of Agriculture, Food Safety and Inspection Service, ''Draft FSIS Comparative Risk Assessment for *Listeria monocytogenes* in Ready-to-eat Meat and Poultry Deli Meats,'' March 2009, *http://www.fsis.usda.gov/Science/Risk_Assessments/index.asp#RTE.*

3. Risk Assessment of the Public Health Impact from Foodborne *Listeria monocytogenes* in Some Ready-to-Eat Foods Sliced, Prepared, and/or Packaged in Retail Facilities; Request for Comments and for Scientific Data and Information. (74 FR 3617 (January 21, 2009)), Docket No. FDA–2008–N–0658, *http://www.fda.gov/OHRMS/DOCKETS/98fr/E9–938.pdf.*

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2009_Notices_Index/.* FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The Update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/.* Options range from recalls, export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on: June 3, 2009.

Alfred V. Almanza,

Administrator, FSIS.

Done at Washington, DC, on: June 3, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning, FDA.

[FR Doc. E9–13378 Filed 6–8–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Fremont and Winema Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fremont and Winema Resource Advisory Committee will meet in Lakeview Oregon, for the purpose of evaluating and recommending resource management projects for funding in FY 2010, under the provisions of Title II of the Secure Rural Schools and Community Self-Determination Act of 2008 (Pub. L. 110–343).

DATES: The meeting will be held on July 21 and 22, 2009.

ADDRESSES: The meeting will take place at the Lakeview Interagency Office, 1301 South G Street, Lakeview, OR 97630.

Send written comments to Fremont and Winema Resource Advisory Committee, c/o USDA Forest Service, 2819 Dahlia Street, Klamath Falls, OR 97601 or electronically to *agowan@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Amy Gowan, Designated Federal Official, c/o Klamath Ranger District, 2819 Dahlia Street, Klamath Falls, OR 97601, telephone (541) 883–6741.

SUPPLEMENTARY INFORMATION: The agenda will include a review of FY 2010 Title II project proposals submitted by the Forest Service, the public, non-profits and other agencies, presentations by project proponents, and final recommendations for funding of fiscal year 2010 projects.

All Fremont and Winema Resource Advisory Committee Meetings are open to the public. Public input and comment forum will take place in the afternoon of July 22, 2009. Interested citizens are encouraged to attend.

Dated: June 1, 2009.

Amy Gowan,

Designated Federal Official.

[FR Doc. E9–13311 Filed 6–8–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Merger of Northeastern Area and Eastern Region

AGENCY: Forest Service, USDA.

ACTION: Notice; request for public comment.

SUMMARY: The USDA Forest Service, Executive Leadership Team (ELT) proposes to merge the management of the Northeastern Area with the Eastern Region. The desire to obtain organizational consistency across the country has prompted the ELT to combine the two units. This step will enable a more cohesive forest management program to be developed and deployed. One lead organizational unit will provide a powerful, effective suite of Forest Service programs to help improve people's lives and sustain the natural resources in the region.

DATES: Comments on the improved delivery of State and Private services consistent with the newly merged organization must be received in writing by July 9, 2009.

ADDRESSES: Send written comments to USDA, Forest Service, Attention: Deputy Chief for State and Private Forestry, 1400 Independence Avenue, SW., Mailstop 1109, Washington, DC 20250–1109. Comments may also be sent via e-mail to *spf@fs.fed.us.* If comments are sent electronically, the public is requested not to send duplicate comments by regular mail. Please confine comments to issues pertinent to the delivery of services under the proposed merger.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Office of the Deputy Chief, State and Private Forestry, 1400 Independence Avenue, SW., Washington, DC. Visitors are encouraged to call (202) 205–1657 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Kent Connaughton, Regional Forester, Eastern Region at *kconnaughton@fs.fed.us* or by phone at 414–297–3765.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The leaders of the Forest Service see benefit in merging the Northeastern Area with the Eastern Region under the leadership of one Regional Forester. The merger of the two units will improve forest management and enhance technology transfer through unified leadership. This decision by the ELT will:

- Integrate existing programs—management, discovery and applications—to address ecosystem to landscape-level questions from a suite of contemporary conservation issues.
- Augment the transfer of science developed by the Northern Research Station.
- Deliver to the constituents of the Northeast and Midwest a broader suite of programs.
- Enhance capabilities that allow national level concerns to be addressed, including climate change; using wood for energy; land restoration; destructive invasive species; and urban natural resources stewardship.
- Improve the agency structure in the twenty-state region and overall operating efficiencies.
- Move to a unified *Eastern Region,* led by a Regional Forester.

Both units currently have strong programs. Combining the strengths of current resources will provide a powerful way to serve the people in the region and contribute to national priorities.

Both units will continue to build on their collective strengths and will strive to develop a model approach for effective forest management and science-based technology transfer. This is important as the Agency continues to seek ways to maximize the effectiveness of Forest Service programs. The potential to help address national stewardship issues will be profound. Specifically, actions that we envision include:

- Landscape-level stewardship within a wide range of land ownerships.
- More cohesive and integrated projects and programs that build on current capacity. The Climate Change Program is a prominent example. Work in the control and management of destructive invasive species is another example. Urban natural resources stewardship offers still another great opportunity.
- A suite of business operation practices that more effectively serve all the twenty states through one organizational mission.
- A single executive team organized and located in a way that best facilitates an integrated *Landscape Science* vision and works in harmony with the Combined Eastern Leadership Team (CELT).
- The Agency leadership will avoid any activity that creates inefficiencies and runs contrary to the mission of the Forest Service. Accordingly, we will strive to minimize the movement of current employees and move towards a unified Eastern Region as quickly as practicable. We will proceed at a pace that affords the best possible program to be implemented and addresses the needs of the people we serve.
- Begin the formal process of combining two organizational units.

Dated: June 2, 2009.

Hank Kashdan,

Associate Chief, U.S. Forest Service.

[FR Doc. E9–13380 Filed 6–8–09; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal Zone Management Act External Review

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 10, 2009.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Patmarie Nedelka, (301) 713–3155 ext. 127 or *Patmarie.Nedelka@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

As part of its continuing efforts to monitor and improve performance of programs authorized by the Coastal Zone Management Act of 1972, as amended (CZMA) NOAA has contracted for an independent external review of CZMA programs. As part of this review, the contractor will conduct telephone interviews with representatives from Federal, State, local and non-governmental organizations that work for or with State Coastal Zone Management Programs or National Estuarine Research Reserves.

II. Method of Collection

Respondents will be contacted by telephone.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, Local, or Tribal Government; not-for-profit institutions.

Estimated Number of Respondents: 100.

Estimated Time per Response: Telephone interviews, 2 hours.

Estimated Total Annual Burden Hours: 160.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 4, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–13485 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801]

Ball Bearings and Parts Thereof from France: Preliminary Results of Changed–Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is conducting a changed–circumstances review of the antidumping duty order on ball bearings and parts thereof from France pursuant to section 751(b) of the Tariff Act of 1930, as amended. We preliminarily determine that SKF Aeroengine France S.A.S.U. is the successor–in-interest to SNFA France S.A.S.U. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 9, 2009.

FOR FURTHER INFORMATION CONTACT: Kristin Case or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; (202) 482–3174 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) published an antidumping duty order on ball bearings and parts thereof from France on May 15, 1989. See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof From France*, 54 FR 20902 (May 15, 1989). On August 11, 2000, the Department revoked the order, effective May 1, 1999, with respect to sales of ball bearings by SNFA S.A. (subsequently SNFA S.A.S.U.). See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews and Revocation of Orders in Part*, 65 FR 49219, 49221 (August 11, 2000).

On March 2, 2007, pursuant to a request from SNFA S.A.S.U. (SNFA), SKF France S.A., and SKF Aerospace France S.A.S., we initiated a changed–circumstances review in order to determine whether SNFA was a successor–in-interest to SKF France S.A. following SNFA's acquisition by that company or, alternatively, that post–acquisition SNFA was the successor–in-interest to the pre–acquisition SNFA. See *Ball Bearings and Parts Thereof from France: Initiation of an Antidumping Duty Changed–Circumstances Review*, 72 FR 9513 (March 2, 2007). During the course of the changed–circumstances review, the companies informed the Department that SNFA would be changing its name to SKF Aeroengine France S.A.S.U. (SKF Aeroengine).

On June 29, 2007, we initiated an administrative review of the antidumping duty order on ball bearings and parts thereof from France for the period May 1, 2006, through April 30, 2007, with respect to SKF France S.A. and SKF Aerospace France S.A.S. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review*, 72 FR 35690 (June 29, 2007). On October 26, 2007, we rescinded the changed–circumstances review initiated on March 2, 2007, and explained that, because we had initiated an administrative review with respect to SKF France S.A. and SKF Aerospace France S.A.S., we would address any issues that had arisen during the course of the changed–circumstances review in the context of the administrative review. See *Ball Bearings and Parts Thereof from France and Italy: Rescission of Antidumping Duty Changed–Circumstances Reviews*, 72 FR 60798, 60799 (October 26, 2007). In the final results of the 2006/07 administrative review, we determined that post–acquisition SNFA was the successor–in-interest to pre–acquisition SNFA and that SNFA had not changed its name to SKF Aeroengine until after the period of review. See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 12 (*AFBs Final Results*).

On February 6, 2009, SKF Aeroengine requested that, because the Department appeared to have left open the effect of the name change on its determination in *AFBs Final Results*, the Department either confirm that its determination encompassed the name change or, in the alternative, the Department initiate a changed–circumstances review to determine whether SKF Aeroengine is the successor–in-interest to SNFA. Along with its request, SKF Aeroengine provided detailed information comparing pre- and post–name change operational management, production facilities, supplier relationships, and customer bases.

On March 30, 2009, we initiated a changed–circumstances review. See *Ball Bearings and Parts Thereof from France: Initiation of Antidumping Duty Changed–Circumstances Review*, 74 FR 14107 (March 30, 2009) (*CCR Initiation*). Since the initiation of the review, no other interested party has submitted comments.

Scope of the Order

The products covered by the order are ball bearings (other than tapered roller bearings) and parts thereof. These products include all bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

Although the HTSUS item numbers above are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Preliminary Results

In conducting this changed–circumstances review pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), the Department has conducted a successor–in-interest analysis. In making a successor–in-interest determination, the Department examines several factors including, but not limited to, changes in the following: (1) management; (2) production facilities; (3) supplier relationships; (4) customer base. See, e.g., *Brake Rotors From the People's Republic of China: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 70 FR 69941 (November 18, 2005), and *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review:*

Polychloroprene Rubber From Japan, 67 FR 58 (January 2, 2002). While no single factor or combination of factors will necessarily provide a dispositive indication of a successor–in-interest relationship, the Department will generally consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor. See *Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979 (March 1, 1999), and *Industrial Phosphoric Acid From Israel: Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944 (February 14, 1994).

Thus, if the evidence demonstrates that, with respect to the production and sale of subject merchandise, the new company operates as the same business entity as the former company, the Department will accord the new company the same antidumping treatment as its predecessor. Additionally, in changed–circumstances reviews where the Department determines that a successor company is a successor–in-interest to a predecessor company that had not been subject to the order previously, the Department's practice is to apply the determination back to the date of the occurrence that prompted the changed–circumstances review. See *Certain Carbon Steel Butt–Weld Pipe Fittings From Thailand: Final Results of Changed–Circumstances Antidumping Duty Review*, 74 FR 8904 (February 27, 2009), and accompanying Issues and Decision Memorandum at Comment 1; see also *Stainless Steel Wire Rod from Italy: Notice of Final Results of Changed Circumstances Antidumping Duty Review*, 71 FR 24643, 24644 (April 26, 2006), and *Certain Hot–Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Changed–Circumstances Antidumping and Countervailing Duty Administrative Reviews*, 64 FR 66880, 66881 (November 30, 1999).

We preliminarily determine that SKF Aeroengine is the successor–in-interest to SNFA. In its February 6, 2009, submission, SKF Aeroengine provided evidence supporting its claim to be the successor–in-interest to SNFA. Specifically, SKF Aeroengine submitted its Managing Director's declaration that the September 3, 2007, name change of the company did not result in changes in management, production facilities, product mix, sales channels, supplier base, or customer base. Moreover, in the declaration, the Managing Director also stated that there are no plans to alter either the production facilities or product mix of SKF Aeroengine, there are no plans to integrate SKF Aeroengine's production with that of either SKF France S.A. or SKF Aerospace France S.A.S., and that SKF Aeroengine continues to operate as a separate and distinct business apart from the other SKF entities located in France. According to the declaration, SKF Aeroengine employs the same channels of distribution, payment terms, and delivery modes to serve the same customer base as SNFA had used. SKF Aeroengine also submitted an outline of its senior officers and board of directors both before and after its name change to demonstrate that the name change did not affect its senior management. Finally, SKF Aeroengine submitted an outline of the senior officers and boards of directors of SKF France S.A. and SKF Aerospace France S.A.S. both before and after the name change to demonstrate that the name change did not result in changes to the senior management of either SKF France S.A. or SKF Aerospace France S.A.S.

In summary, SKF Aeroengine has presented evidence to establish a prima facie case of its successorship status. The record indicates that SNFA's name change to SKF Aeroengine has not changed the operations of the company in a meaningful way. SKF Aeroengine's management, production facilities, supplier relationships, and customer base are substantially unchanged from those of SNFA. The record evidence demonstrates that the new entity operates essentially in the same manner as the predecessor company. Consequently, we preliminarily determine that SKF Aeroengine should be assigned the same antidumping–duty treatment as SNFA.

Public Comment

Case briefs from interested parties may be submitted not later than 30 days after the date of publication of this notice of preliminary results of changed–circumstances review. Rebuttal briefs from interested parties, limited to the issues raised in the case briefs, may be submitted not later than five days after the time limit for filing the case briefs or comments. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument a statement of the issue, a summary of the arguments not exceeding five pages, and a table of statutes, regulations, and cases cited.

Interested parties who wish to request a hearing or to participate in a hearing if a hearing is requested must submit a written request to the Assistant Secretary for Import Administration within 30 days of the date of publication of this notice. See 19 CFR 351.310(c). Such requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants; (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those discussed in the case briefs. If requested, any hearing will be held two days after the scheduled date for submission of rebuttal briefs.

The Department will publish in the **Federal Register** a notice of the final results of this changed–circumstances review, including the results of its analysis of issues raised in any written briefs or at the hearing if requested.

As indicated in the *CCR Initiation*, during the course of this changed–circumstances review we will not change any cash–deposit requirements on entries of merchandise subject to the antidumping duty order unless a change is determined to be warranted pursuant to the final results of this review.

We are issuing and publishing these preliminary results and notice in accordance with sections 751(b) and 777(i)(1) of the Act and 19 CFR 351.216.

Dated: June 2, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–13493 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839]

Certain Polyester Staple Fiber from the Republic of Korea: Preliminary Results of the 2007/2008 Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on certain polyester staple fiber from the Republic of Korea. The period of review is May 1, 2007, through April 30, 2008. This review covers imports of certain polyester staple fiber from one producer/exporter. We preliminarily find that sales of the subject merchandise have been made below normal value. If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties. Interested parties are invited to comment on these

preliminary results. We will issue the final results not later than 120 days from the date of publication of this notice.

EFFECTIVE DATE: June 9, 2009

FOR FURTHER INFORMATION CONTACT: Shelly Atkinson or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482–0116 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, the Department of Commerce (''Department'') published an antidumping duty order on certain polyester staple fiber (''PSF'') from the Republic of Korea (''Korea''). *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000). On May 5, 2008, the Department published a notice of ''Opportunity to Request Administrative Review'' of this order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 24532 (May 5, 2008). On May 29, 2008, Huvis Corporation (''Huvis'') requested an administrative review. On May 30, 2008, Wellman, Inc.; DAK Americas LLC; and Invista, S.a.r.L. (collectively, ''the petitioners'') requested an administrative review of Huvis. On July 1, 2008, the Department published a notice initiating the review with respect to Huvis.[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 37409 (July 1, 2008). The period of review (''POR'') is May 1, 2007, through April 30, 2008.

On July 17, 2008, we issued the antidumping questionnaire in this review. We received responses from Huvis in August and September 2008. In November 2008, February, March, and April 2009, we issued supplemental questionnaires to Huvis. We received responses to these supplemental questionnaires in January, March, April and May 2009.

On February 4, 2009, the Department published in the **Federal Register** an extension of the time limit for the completion of the preliminary results of this review until no later than June 1, 2009, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.213(h)(2). *See Certain Polyester Staple Fiber From the Republic of Korea: Extension of Time Limit for the Preliminary Results of the 2007–2008 Antidumping Duty Administrative Review*, 74 FR 6014 (February 4, 2009).

Scope of the Order

For the purposes of the order, the product covered is PSF. PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon, or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the *Harmonized Tariff Schedule of the United States* (''HTSUS'') at subheading 5503.20.00.25 is specifically excluded from the order. Also, specifically excluded from the order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low–melt PSF is excluded from the order. Low–melt PSF is defined as a bi–component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to the order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Verification

As provided in section 782(i) of the Act, during April 2008, we verified the sales information provided by Huvis in Korea using standard verification procedures, including examination of relevant sales and financial records, and selection of original documentation containing relevant information. The Department reported its findings on June 1, 2009. *See Memorandum to the File*, ''Verification of the Sales Response of Huvis Corporation in the Antidumping Review of Certain Polyester Staple Fiber from the Republic of Korea'' dated June 1, 2009. This report is on file in the Central Records Unit in room 1117 of the main Department building. We plan to verify Huvis' submitted cost information in July 2009.

Fair Value Comparisons

To determine whether Huvis' sales of PSF to the United States were made at less than normal value (''NV''), we compared export price (''EP'') to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice below.

Pursuant to section 777A(d)(2) of the Act, we compared the EP of individual U.S. transactions to the weighted–average NV of the foreign–like product, where there were sales made in the ordinary course of trade, as discussed in the ''Cost of Production Analysis'' section below.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced and sold by the respondent in the home market covered by the description in the ''Scope of the Order'' section, above, to be foreign–like products for purposes of determining appropriate product comparisons to U.S. sales. In accordance with section 773(a)(1) of the Act, in order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the respondent's volume of home market sales of the foreign–like product to the volume of its U.S. sales of the subject merchandise. For further details, *see* the ''Normal Value'' section, below.

We compared U.S. sales to monthly weighted–average prices of contemporaneous sales made in the home market. Where there were no contemporaneous sales of identical merchandise in the home market, we compared sales made within the window period, which extends from three months prior to the POR until two months after the POR. *See* 19 CFR 351.414(e)(2). As directed by section 771(16) of the Act, where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign–like product made in the ordinary course of trade. Further, as provided in section 773(a)(4) of the Act, where we could not determine NV because there were no sales of identical or similar merchandise made in the ordinary course of trade in the home market to compare to U.S. sales, we compared U.S. sales to constructed value (''CV'').

[1] The petitioners also asked for the Department to request CBP import data, for either direct shipments or shipments through Canada or Mexico, under the name ''Samyang.''

Date of Sale

For its home market sales, Huvis reported invoice date as its date of sale because Huvis permits home market customers to make order changes up to that time. Thus, Huvis' invoices to its home market customers establish the material terms of sale.

For its U.S. sales, Huvis reported date of shipment as its date of sale because it permits U.S. customers to make order changes up to the date of shipment and because the merchandise is always shipped on or before the date of invoice. Thus, the material terms of sale are established on the date of shipment. *See Certain Polyester Staple Fiber from Korea: Preliminary Results of the 2006/2007 Antidumping Duty Administrative Review*, 73 FR 31058, 31060 (May 30, 2008) (''*Preliminary Results of 2006/07 Administrative Review*''); unchanged in *Certain Polyester Staple Fiber From Korea: Final Results of the 2006–2007 Antidumping Duty Administrative Review*, 73 FR 74144 (December 5, 2008) (''*Final Results of 2006/07 Administrative Review*''); *see also Certain Cold–Rolled and Corrosion–Resistant Carbon Steel Flat Products From Korea: Final Results of Antidumping Duty Administrative Reviews*, 63 FR 13170, 13172–73 (March 18, 1998).

Export Price

For sales to the United States, we calculated EP in accordance with section 772(a) of the Act because the merchandise was sold prior to importation by the exporter or producer outside the United States to the first unaffiliated purchaser in the United States, and because constructed export price methodology was not otherwise warranted. Huvis reported sales to the United States based upon four different types of sales terms: free–on board (''FOB''); cost, insurance, and freight (''CIF''); cost and freight (''C&F''); and ex–dock duty paid (''EDDP'') FOB. We calculated EP based on these reported prices to unaffiliated purchasers in the United States. Where appropriate, we made deductions, consistent with section 772(c)(2)(A) of the Act, for the following movement expenses: loading fees, inland freight from the plant to port of exportation, foreign brokerage and handling, international freight, marine insurance, and U.S. customs duty (including U.S. brokerage and handling).

We increased EP, where appropriate, for duty drawback in accordance with section 772(c)(1)(B) of the Act. Huvis provided documentation demonstrating that it received duty drawback under Korea's individual–rate system. In prior investigations and administrative reviews, the Department has examined Korea's individual–rate system and found that the government controls in place generally satisfy the Department's requirements for receiving a duty drawback adjustment (*i.e.*, that (1) the rebates received were directly linked to import duties paid on inputs used in the manufacture of the subject merchandise, and (2) there were sufficient imports to account for the rebates received). *See, e.g., Notice of Final Results of the Eleventh Administrative Review of the Antidumping Duty Order on Certain Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea*, 71 FR 7513 (February 13, 2006), and accompanying Issues and Decision Memorandum at Comment 2. We examined the documentation submitted by Huvis in this administrative review and confirmed that it meets the Department's two–prong test (mentioned above) for receiving a duty drawback adjustment. Accordingly, we are allowing the reported duty drawback adjustment on Huvis' U.S. sales.

Normal Value

A. Selection of Comparison Market

To determine whether there was a sufficient volume of sales of PSF in the home market to serve as a viable basis for calculating NV, we compared the respondent's home market sales of the foreign–like product to its volume of U.S. sales of the subject merchandise, in accordance with section 773(a) of the Act. Pursuant to sections 773(a)(1)(B) and (C) of the Act, because the respondent's aggregate volume of home market sales of the foreign–like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable for comparison.

B. Level of Trade

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, the Department will calculate NV based on sales at the same level of trade (''LOT'') as the EP. Sales are made at different LOTs if they are made at different marketing stages (or their equivalent). *See* 19 CFR 351.412(c)(2). Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stages of marketing. *Id.; see also Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut–to-Length Carbon Steel Plate From South Africa*, 62 FR 61731, 61732 (November 19, 1997) (''*CTL Plate*''). In order to determine whether the comparison market sales were at different stages in the marketing process than the U.S. sales, we reviewed the distribution system in each market (*i.e.*, the ''chain of distribution''),[2] including selling functions,[3] class of customer (''customer category''), and the level of selling expenses for each type of sale. *Id.*

Pursuant to section 773(a)(1)(B)(i) of the Act, in identifying levels of trade for EP and comparison market sales (*i.e.*, NV based on either home market or third country prices),[4] we consider the starting prices before any adjustments. *See Micron Tech, Inc. v. United States, et al.*, 243 F.3d 1301, 1314–15 (Fed. Cir. 2001) (interpreting Congressional intent to be in accordance with this methodology).

When the Department is unable to match U.S. sales to sales of the foreign–like product in the comparison market at the same LOT as the EP, the Department may compare the U.S. sales to sales at a different LOT in the comparison market. In comparing EP sales at a different LOT in the comparison market, where available data show that the difference in LOT affects price comparability, we make an LOT adjustment under section 773(a)(7)(A) of the Act.

Huvis reported a single channel of distribution and a single LOT in each market, and has not requested an LOT adjustment. In the single channel of distribution for U.S. sales, merchandise is shipped directly to the customer on an FOB, CIF, C&F, or EDDP–FOB basis. For home market sales, merchandise is delivered to the customer's location or sold on an ex–works basis.

[2] The marketing process in the United States and comparison markets begins with the producer and extends to the sale to the final user or customer. The chain of distribution between the two may have many or few links, and the respondent's sales occur somewhere along this chain. *CTL Plate*, 62 FR at 61732. In performing this evaluation, we considered the narrative responses of the respondent to properly determine where in the chain of distribution the sale occurs.

[3] Selling functions associated with a particular chain of distribution help us to evaluate LOTs in a particular market. *CTL Plate*, 62 FR at 61732. For purposes of these preliminary results, we have organized the common selling functions into four major categories: sales process and marketing support, freight and delivery, inventory and warehousing, and quality assurance/warranty services.

[4] Where NV is based on CV, we determine the NV LOT based on the LOT of the sales from which we derive selling, general and administrative (''SG&A'') expenses, and profit for CV, where possible. *See, e.g., Certain Polyester Staple Fiber from Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review*, 70 FR 32756, 32757 (June 6, 2005), unchanged in *Notice of Final Results of Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from the Republic of Korea*, 70 FR 73435 (December 12, 2005)

We examined the information reported by Huvis regarding its marketing process for making the reported home market and U.S. sales, including the type and level of selling activities performed, and customer categories. Specifically, we considered the extent to which the sales process, freight services, warehouse/inventory maintenance, and warranty services varied with respect to the different customer categories (*i.e.*, distributors and end users) within each market and across the markets.

Huvis reported that it made direct sales to distributors and end users in both the home market and to the United States. Also, for sales to the United States, Huvis reported sales to trading companies. For sales in the home market and to the United States, Huvis' selling activities included negotiating sales terms, receiving and processing orders, arranging for freight and delivery, and preparing shipping documents. For each market, Huvis was available to provide technical advice upon a customer's request. For sales in the home market and to the United States, Huvis offered no inventory maintenance services nor advertising, and it did not handle any warranty claims during the POR.

Because the selling functions were similar in both markets, we preliminarily find that a single LOT exists in the home market and in the United States, and that Huvis' home market and U.S. sales were made at the same LOT.

C. Sales to Affiliated Customers

Huvis made sales in the home market to affiliated customers. To test whether these sales were made at arm's length, we compared the starting prices of sales to affiliated customers to those of sales to unaffiliated customers, net of all movement charges, direct and indirect selling expenses, discounts, and packing. Where the price to affiliated parties was, on average, within a range of 98 to 102 percent of the price of the same or comparable merchandise to the unaffiliated parties, we determined that the sales made to affiliated parties were at arm's length. *See Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade*, 67 FR 69186 (November 15, 2002). In accordance with the Department's practice, we included in our margin analysis only sales to affiliated parties that were made at arm's length.

D. Cost of Production Analysis

In the most recently completed administrative review, we had disregarded some sales by Huvis because they were made at prices below the cost of production (''COP''). Under section 773(b)(2)(A)(ii) of the Act, previously disregarded below–cost sales provide reasonable grounds to believe or suspect that the respondent made sales of the subject merchandise in its comparison market at prices below the COP within the meaning of section 773(b) of the Act. Whenever the Department has this reason to believe or suspect sales were made below the COP, we are directed by section 773(b) of the Act to determine whether, in fact, there were below–cost sales.

Pursuant to section 773(b)(1) of the Act, we disregard sales from our calculation of NV that were made at less than the COP if they were made in substantial quantities over an extended period of time at prices that would not permit recovery of costs within a reasonable period. We find that the below–cost sales represent ''substantial quantities,'' when 20 percent or more of the respondent's sales of a given product are at prices less than the COP, in accordance with section 773(b)(2)(C) of the Act. Further, in accordance with section 773(b)(2)(B) of the Act, the Department normally considers sales to have been made within an extended period of time when made during a period of one year. Finally, prices do not permit recovery of costs within a reasonable period of time if the per unit COP at the time of sale is below the weighted average per unit COP for the POR, in accordance with section 773(b)(2)(D) of the Act.

Under section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given product were at prices less than the COP, we do not disregard any below–cost sales of that product because such below–cost sales were not made in substantial quantities.

Application of Facts Otherwise Available

Section 776(a)(1) of the Act provides that the Department will apply ''facts otherwise available'' if the ''necessary information is not available on the record.'' As discussed in the ''Calculation of COP'' section below, Huvis could not provide market prices for purified terephthalic acid (''PTA'') and qualified terephthalic acid (''QTA'') as requested by the Department. Therefore, under section 776(a) of the Act, use of facts otherwise available is warranted in determining the market price for PTA and QTA.

1. Calculation of COP

We calculated the COP on a product–specific basis, based on the sum of the respondent's costs of materials and fabrication for the merchandise under review, plus amounts for SG&A expenses, financial expenses, and the costs of all expenses incidental to placing the foreign–like product packed and in a condition ready for shipment, in accordance with section 773(b)(3) of the Act.

We relied on COP information submitted in Huvis' cost questionnaire responses except for the following adjustments. *See* Memorandum to the File, ''Cost of Production and Constructed Value Calculation Adjustments for the Preliminary Results Huvis Corporation,'' dated June 1, 2009.

(1) In performing our analysis under sections 773(f)(2) and (3) of the Act, we adjusted Huvis' reported cost of manufacturing (''COM'') to account for purchases of PTA, modified terephthalic acid (''MTA''), and QTA from affiliated parties at non–arm's–length prices. Under section 773(f)(3) of the Act and 19 CFR 351.407(b), the Department will determine the value of a major input from an affiliated person based on the higher of the transfer price, the market price, or the affiliate's COP.

In the instant review, Huvis could not provide a market price for QTA, as requested in the Department's original and supplemental questionnaires. Therefore, in accordance with sections 773(f)(3) and 776(a) of the Act, we have relied on facts available to make a determination of market value. Consistent with the previous administrative review, we find no evidence on the record to overturn our prior finding that MTA and QTA are interchangeable and can be successfully used in place of one another using similar quantities. *See Final Results of 2006/07 Administrative Review* at Comment 10. Because QTA and MTA are interchangeable, we used the market price for MTA as a proxy for the market price of QTA for the major input analysis. Accordingly, we increased Huvis's reported transfer price of QTA by the percent difference between the reported transfer price of QTA and the higher of the surrogate market price or the affiliate's adjusted COP.

For MTA, we determined the value of this major input based on the higher of the transfer price, the market price, or the affiliate's COP. We adjusted Huvis' reported transfer price of MTA by the percent difference between the reported transfer price and the higher of market price or affiliate's COP.

For PTA, we find that it is not a major input because Huvis' purchases of PTA do not represent a significant percentage

of the total COM of merchandise under review. Under section 773(f)(2) of the Act, the Department may disregard transactions if the transfer price of an input does not fairly reflect the amount usually reflected for sales of that input. Huvis could not provide a market price for this input, as requested in the Department's original and supplemental questionnaires. Therefore, in accordance with sections 773(f)(2) and 776(a) of the Act, we have relied on facts available to make a determination of market value. We constructed a price for the missing market price of this input. This methodology is consistent with our calculation for the proxy market price of PTA in the previous administrative review. *See Final Results of 2006/07 Administrative Review* at Comment 10. Because the market price of PTA exceeded the transfer price, we adjusted Huvis' reported transfer price of PTA by the percent difference between the reported transfer price and the market price.

(2) We adjusted Huvis' reported financial expenses offset by interest on deposits for retirement insurance. Consistent with our treatment of this income in the prior administrative reviews, we excluded this offset because it is not related to interest income incurred on short–term investments of working capital. *See Preliminary Results of 2006/07 Administrative Review*, 73 FR at 31062; unchanged in *Final Results of 2006/07 Administrative Review*.

2. Test of Home Market Prices

On a product–specific basis, we compared the adjusted weighted–average COP figures for the POR to the home market sales of the foreign–like product, as required under section 773(b) of the Act, to determine whether these sales were made at prices below the COP. According to our practice, the prices were exclusive of any applicable movement charges and indirect selling expenses. In determining whether to disregard home market sales made at prices less than their COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Act, whether such sales were made (1) within an extended period of time in substantial quantities, and (2) at prices which permitted the recovery of all costs within a reasonable period of time.

3. Results of COP Test

We found that, for certain products, more than 20 percent of the respondent's home market sales were at prices less than the POR average COP and, thus, the below–cost sales were made within an extended period of time in substantial quantities. In addition, these sales were made at prices that did not permit the recovery of costs within a reasonable period of time. Therefore, we excluded these below–cost sales and used the remaining above–cost sales of the same product, as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

E. Calculation of Normal Value Based on Home Market Prices

We calculated NV based on the price to affiliated and unaffiliated customers. We made adjustments for differences in packing in accordance with sections 773(a)(6)(A) and 773(a)(6)(B)(i) of the Act. We also made adjustments, where appropriate, consistent with section 773(a)(6)(B)(ii) of the Act, for loading fees and for inland freight from the plant to the customer. In addition, we made adjustments for differences in circumstances of sale (''COS''), in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments, where appropriate, by deducting direct selling expenses incurred on home market sales (*i.e.*, credit expenses and bank charges) and adding U.S. direct selling expenses (*i.e.*, credit expenses and bank charges). *See* 19 CFR 351.410(c).

Preliminary Results of the Review

We find that the following dumping margin exists for the period May 1, 2007, through April 30, 2008:

Exporter/manufacturer	Weighted–average margin percentage
Huvis Corporation	1.50

Because we have a cost verification scheduled for July 2009, case briefs for this administrative review must be submitted no later than one week after the issuance of the cost verification report. Rebuttal briefs must be filed within five days after the deadline for submission of case briefs, pursuant to 19 CFR 351.309(d)(1), and must be limited to issues raised in the case briefs. Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held two days after the rebuttal briefs are filed. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or hearing, within 120 days of publication of these preliminary results. *See* section 751(a)(3) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Huvis submitted evidence demonstrating that it was the importer of record for certain of its POR sales. We examined the customs entry documentation submitted by Huvis and tied it to the U.S. sales listing. We noted that Huvis was indeed the importer of record for certain sales. Therefore, for purposes of calculating the importer–specific assessment rates, we have treated Huvis as the importer of record for certain POR shipments. Pursuant to 19 CFR 351.212(b)(1), for all sales where Huvis is the importer of record, Huvis submitted the reported entered value of the U.S. sales and we have calculated importer–specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales.

Regarding sales where Huvis was not the importer of record, we note that Huvis did not report the entered value for the U.S. sales in question. Accordingly, we have calculated importer–specific per–unit duty assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer–specific ad valorem ratios based on the estimated entered value.

Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis (i.e.*, less than 0.50 percent). The Department will issue appraisement instructions directly to CBP 15 days after publication of the final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR

produced by companies included in these preliminary results for which the reviewed companies did not know 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. *Id*.

Cash Deposit Requirements

The following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of PSF from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company will be the rate established in the final results of this administrative review (except no cash deposit will be required if its weighted–average margin is *de minimis, i.e.*, less than 0.50 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less–than-fair–value investigation or a previous review, the cash deposit rate will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 7.91 percent, the all–others rate established in *Certain Polyester Staple Fiber from the Republic of Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision*, 68 FR 74552 (December 24, 2003).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 1, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–13510 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XP69

Marine Mammals; File No. 14502

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Russell Fielding, Louisiana State University, Room 227, Baton Rouge, Louisiana, 70803, has applied in due form for a permit to import samples from Risso's (*Grampus griseus*), spinner (*Stenella longirostris*), and spotted (*Stenella frontalis*) dolphins and short-finned pilot whales (*Globicephala macrorhynchus*) for the purpose of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before July 9, 2009.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 14502 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 14502.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kristy Beard, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant is requesting a scientific research permit to import muscle, blubber, and teeth samples from Risso's, spinner, and spotted dolphins and short-finned pilot whales collected during the legal cetacean hunts of St. Vincent and the Grenadines. Samples from up to 100 individuals will be imported to the NOAA Center for Coastal Fisheries and Habitat Research in Beaufort, North Carolina, for contaminant analysis (specifically methyl-mercury). No animals will be taken to provide samples for this research and no marine mammals will be incidentally harassed. A permit is requested for three months for the importation of samples to occur.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 2, 2009.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–13368 Filed 6–8–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 0810011295–81636–02]

Announcing Approval of Federal Information Processing Standard (FIPS) Publication 186–3, Digital Signature Standard (DSS)

AGENCY: National Institute of Standards and Technology (NIST), Department of Commerce.

ACTION: Notice.

SUMMARY: This notice announces the Secretary of Commerce's approval of Federal Information Processing Standard (FIPS) Publication 186–3, Digital Signature Standard (DSS). FIPS 186–3 is a revision of FIPS 186–2. The FIPS specifies three techniques for the generation and verification of digital signatures that can be used for the protection of data: the Digital Signature Algorithm (DSA), the Elliptic Curve Digital Signature Algorithm (ECDSA) and the Rivest-Shamir-Adelman (RSA) algorithm. Although all three of these algorithms were approved in FIPS 186–2, FIPS 186–3 increases the key sizes allowed for DSA, provides additional requirements for the use of RSA and ECDSA, and includes requirements for obtaining the assurances necessary for valid digital signatures. FIPS 186–2 contained specifications for random number generators (RNGs); this revision does not include such specifications, but refers to NIST Special Publication (SP) 800–90 for obtaining random numbers. FIPS 186–3 is available at *http://csrc.nist.gov/publications/PubsFIPS.html;* SP 800–90 is available at *http://csrc.nist.gov/publications/PubsSPs.html.*

FOR FURTHER INFORMATION CONTACT: Elaine Barker, (301) 975–2911, National Institute of Standards and Technology, 100 Bureau Drive, STOP 8930, Gaithersburg, MD 20899–8930, e-mail: *elaine.barker@nist.gov.*

SUPPLEMENTARY INFORMATION: FIPS 186, first published in 1994, specified a digital signature algorithm (DSA) to generate and verify digital signatures. Later revisions (FIPS 186–1 and FIPS 186–2, adopted in 1998 and 1999, respectively) adopted two additional algorithms specified in American National Standards (ANS) X9.31 (Digital Signatures Using Reversible Public Key Cryptography for the Financial Services Industry (rDSA)), and X9.62 (The Elliptic Curve Digital Signature Algorithm (ECDSA)).

The original DSA algorithm, as specified in FIPS 186, 186–1 and 186–2, allows key sizes of 512 to 1024 bits. With advances in technology, it is prudent to consider larger key sizes. FIPS 186–3 allows the use of 1024, 2048 and 3072-bit keys. Other requirements have also been added concerning the use of ANS X9.31 and ANS X9.62. In addition, the use of the RSA algorithm as specified in Public Key Cryptography Standard (PKCS) #1 (RSA Cryptography Standard) is allowed.

A **Federal Register** Notice (73 FR 66842) was published on November 12, 2008 to request public comments on the draft FIPS 186–3. A total of thirteen parties provided comments (six U.S. government agencies, one university, five private organizations, and one individual). Three parties indicated that the FIPS should be approved without changes. The following is a summary of the remaining comments received and NIST's responses to them:

Comment: Seven commenters suggested a number of editorial changes.

Response: NIST made the appropriate editorial changes, which included correcting typographical errors, format changes, minor word changes and clarifications.

Comment: One commenter suggested relaxing the requirement for hash algorithms to provide equivalent or stronger security than the public key algorithm and key size.

Response: NIST accepted the comment and substituted a requirement that both the hash algorithm and the public key algorithm and key size meet the security requirements for the application. This permits the use of a public key algorithm and key size that is stronger in security than a hash algorithm, so long as both provide sufficient security for the digital signature process. The use of hash algorithms that provide equivalent or stronger security than the public key algorithm and key size is still encouraged as a general practice.

Comment: One commenter suggested imposing additional restrictions on the selection of the public exponent *e* when generating RSA key pairs.

Response: NIST studied the suggestion and decided not to impose further restrictions on the selection of the public exponent *e.* Such restrictions would negatively impact NIST's Cryptographic Module Validation Program (CMVP) by precluding the validation of currently accepted implementations without providing a significant increase in security.

Comment: One commenter suggested relaxing requirements on the generation of the private exponent *d* to improve efficiency when generating RSA key pairs.

Response: NIST studied the suggestion and decided not to make the change, due to a risk of reducing the level of security assurance provided by the suggested method.

Comment: One commenter requested the inclusion of an alternative method for strong prime generation when generating RSA key pairs on constrained computing devices.

Response: NIST decided not to adopt the proposed method for strong prime generation. NIST would need to perform significant further study on any alternative methods before expanding the set of approved methods for strong prime generation in the FIPS. In addition, NIST believes that the methods specified in the standard can be implemented on constrained devices. If implementation experience establishes the need for alternative methods, NIST will conduct the further study necessary and, if appropriate, will include alternative techniques in a later version of the FIPS.

Comment: One commenter requested changes to enhance alignment of ECDSA domain parameter generation and management in the FIPS with American National Standard X9.62.

Response: NIST reviewed the comments and made the appropriate changes to ensure alignment with respect to the generation and management of ECDSA domain parameters. NIST deleted the statement ''ANSI X9.62 has no restriction on the maximum size of [the cofactor]'', since the current version of X9.62 imposes limitations on the size of the cofactor. NIST also revised statements regarding elliptic curve domain parameter generation for purposes other than digital signature generation.

Authority: In accordance with the Information Technology Management Reform Act of 1996 (Pub. L. 104–106) and the Federal Information Security Management Act (FISMA) of 2002 (Pub. L. 107–347), the Secretary of Commerce is authorized to approve Federal Information Processing Standards (FIPS). NIST activities to develop computer security standards to protect Federal sensitive (unclassified) information systems are undertaken pursuant to specific responsibilities assigned to NIST by section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by section 303 of the Federal Information Security Management Act of 2002.

E.O. 12866: This notice has been determined not to be significant for the purposes of E.O. 12866.

Dated: June 1, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–13513 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[090520915–9921–01]

Initial List of Smart Grid Interoperability Standards; Request for Comments

AGENCY: National Institute of Standards and Technology (NIST), Department of Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) seeks comments on a preliminary set of smart grid interoperability standards and specifications identified for inclusion in the Smart Grid Interoperability Standards Framework, Release 1.0.

DATES: Comments must be received on or before July 9, 2009.

ADDRESSES: Written comments may be sent to: George Arnold, 100 Bureau Drive, Stop 8100, National Institute of Standards and Technology, Gaithersburg, MD 20899–8100. Electronic comments may be sent to: *smartgridcomments@nist.gov.*

The list of proposed standards and specifications is available at: *http://www.nist.gov/smartgrid/standards.html.* Additional information may be found at: *http://www.nist.gov/smartgrid.*

FOR FURTHER INFORMATION CONTACT: George Arnold, 100 Bureau Drive, Stop 8100, National Institute of Standards and Technology, Gaithersburg, MD 20899–8100, telephone (301) 975–5627.

SUPPLEMENTARY INFORMATION: Section 1305 of the Energy Independence and Security Act (EISA) of 2007 (Pub. L. 110–140) requires the Director of the National Institute of Standards and Technology (NIST) ''to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems.'' NIST has identified an initial set of standards and specifications listed in the box below for inclusion in Release 1.0 of the Smart Grid Interoperability Standards Framework. Release 1.0 is a work in progress. It is not complete, nor is it exclusionary. Existing standards that do not appear in this first installment to Release 1.0 have not been eliminated from consideration. Standards that currently appear on the list ultimately may not be included.

This initial set of standards represents the first step in Phase I of the NIST three-phase plan for smart grid interoperability. The full plan is available at: *http://www.nist.gov/public_affairs/smartgrid_041309.html.*

To assist in carrying out its plan, NIST awarded a contract to Electric Power Research Institute (EPRI) to organize and facilitate two workshops, held on April 28–29, 2009 and May 19–20, 2009. Under its contract, EPRI is also required to use its technical expertise to compile, distill, and organize stakeholder contributions into a draft interim roadmap for smart grid interoperability standards. The proposed set of standards is based on input received from participants in the public Smart Grid Interoperability Standards Interim Roadmap Workshop I, held on April 28–29 in Reston, Virginia. Notes and outcomes of the workshop can be found at *http://collaborate.nist.gov/twiki-sggrid/bin/view/_SmartGridInterimRoadmap/InterimRoadmapWorkshop1.*

The more than 400 people who participated in the April 28–29 workshop represented a large cross-section of smart grid stakeholders. NIST recognizes, however, that not all interested stakeholders participated in the workshop. Arranged in alphabetical order, the list of proposed standards and specifications will be expanded as the process continues and as the standards framework is developed further to support the functionality envisioned for the Smart Grid and as technology evolves.

Although not included in this initial list, communication standards pertaining to basic connectivity and data networking are also important for Smart Grid interoperability. They will be part of the interoperability framework. Initial standards in these categories will be evaluated following the Smart Grid Interim Standards Roadmap Workshop II, held on May 19–20. Altogether, several hundred standards that are identified or developed over the span of several years may be required to achieve secure, end-to-end interoperability across a fully implemented Smart Grid.

NIST recognizes that the standards and specifications listed below will require further development and that many additional standards and specifications are needed to achieve interoperability of Smart Grid devices and systems. Updated versions of the Smart Grid Interoperability Framework will be published periodically to include additional standards as they are recognized by NIST and to remove standards from the list, as appropriate, as the coordination process moves forward.

Standard	Application
AMI–SEC System Security Requirements	Advanced metering infrastructure (AMI) and Smart Grid end-to-end security.
ANSI C12.19/MC1219	Revenue metering information model.
BACnet ANSI ASHRAE 135–2008/ISO 16484–5	Building automation.
DNP3	Substation and feeder device automation.
IEC 60870–6/TASE.2	Inter-control center communications.
IEC 61850	Substation automation and protection.
IEC 61968/61970	Application level energy management system interfaces.
IEC 62351 Parts 1–8	Information security for power system control operations.
IEEE C37.118	Phasor measurement unit (PMU) communications.
IEEE 1547	Physical and electrical interconnections between utility and distributed generation (DG).
IEEE 1686–2007	Security for intelligent electronic devices (IEDs).
NERC CIP 002–009	Cyber security standards for the bulk power system.
NIST Special Publication (SP) 800–53, NIST SP 800–82.	Cyber security standards and guidelines for federal information systems, including those for the bulk power system.
Open Automated Demand Response (Open ADR)	Price responsive and direct load control.
OpenHAN	Home Area Network device communication, measurement, and control.
ZigBee/HomePlug Smart Energy Profile	Home Area Network (HAN) Device Communications and Information Model.

Authority: Section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140).

Request For Comments: NIST seeks comments on the list of standards and specifications identified for inclusion in Release 1.0 of the Smart Grid Interoperability Standards Framework. NIST intends to publish and request comments on several draft versions (Releases) of the Smart Grid Interoperability Standards Framework and will provide an analysis of all comments received with its publication of the final Release.

E.O. 12866: This notice has been determined not to be significant for the purposes of E.O. 12866.

Dated: June 3, 2009.

Patrick Gallagher,

Deputy Director, NIST.

[FR Doc. E9–13514 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting; Correction

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The National Oceanic and Atmospheric Administration published a document in the **Federal Register** of June 3, 2009, entitled Hydrographic Services Review Panel Meeting. The information concerning the HSRP Web page is incorrect. The correct Web page is *http://www.nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

Date and Time: As published in the June 3, 2009 **Federal Register,** the conference call will convene at 2:30 p.m. Eastern Daylight Time, June 22, 2009, and end by 3:30 p.m. Eastern Daylight Time, if not earlier.

FOR FURTHER INFORMATION CONTACT: Rebecca Arenson, Office of Coast Survey, National Ocean Service (NOS), NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; telephone: 301–713–2770; fax: 301–713–4019; e-mail: *Rebecca.Arenson@noaa.gov,* or visit the NOAA HSRP Web site at *http://www.nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

SUPPLEMENTARY INFORMATION:

Correction

The National Oceanic and Atmospheric Administration published a document in the **Federal Register** of June 3, 2009, entitled Hydrographic Services Review Panel Meeting. The information concerning the HSRP Web page is incorrect. The correct Web page is *http://www.nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

Dated: June 4, 2009.

Christopher C. Cartwright,

Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management.

[FR Doc. E9–13492 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XP67

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities at San Nicolas Island, CA

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a letter of authorization (LOA) has been issued to the Naval Air Warfare Center Weapons Division, U.S. Navy (Navy), to take three species of seals and sea lions incidental to missile launch activities from San Nicolas Island (SNI), California, a military readiness activity.

DATES: Effective June 4, 2009, through June 3, 2010.

ADDRESSES: The LOA and supporting documentation are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service (NMFS), 1315 East-West Highway, Silver Spring, MD 20910–3225 or by telephoning one of the contacts listed below (FOR FURTHER INFORMATION CONTACT). Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address and at the Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 713–2289 ext. 156, or Monica DeAngelis, NMFS, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the National Marine Fisheries Service (NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. However, for military readiness activities, the National Defense Authorization Act (Public Law 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations. Under the MMPA, the term ''taking'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Authorization may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements for monitoring and reporting of such taking.

Regulations governing the taking of Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), and California sea lions (*Zalophus californianus*), by harassment, incidental to missile launch activities at SNI, were issued on June 2, 2009, and remain in effect until June 2, 2014 (74 FR 26580, June 3, 2009). For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during missile launches at SNI.

This LOA is effective from June 4, 2009, through June 3, 2010, and authorizes the incidental take of the three marine mammal species listed above that may result from the

launching of up to 40 missiles at SNI per year. Up to 10 launches per year may occur at night. Nighttime launches will only occur when required by the test objectives, e.g., when testing the Airborne Laser system (ABL). Harbor seals, California sea lions, and elephant seals are found on various haul-out sites and rookeries on SNI.

Potential impacts of the planned missile launch operations at SNI on marine mammals involve both acoustic and non-acoustic effects. Acoustic effects relate to sound produced by the engines of all launch vehicles, and, in some cases, their booster rockets. Potential non-acoustic effects could result from the physical presence of personnel during placement of video and acoustical monitoring equipment. However, careful deployment of monitoring equipment is not expected to result in any disturbance to pinnipeds hauled out nearby. Any visual disturbance caused by passage of a vehicle overhead is likely to be minor and brief as the launch vehicles are relatively small and move at great speed. The noise generated by Navy activities may result in the incidental harassment of pinnipeds, both behaviorally and in terms of physiological (auditory) impacts. The noise and visual disturbances from missile launches may cause the animals to move towards or enter the water.

Take of pinnipeds will be minimized through implementation of the following mitigation measures: (1) The Navy must avoid launch activities during harbor seal pupping season (February through April), unless constrained by factors including, but not limited to, human safety, national security, or for launch trajectory necessary to meet mission objectives; (2) the Navy must limit launch activities during other pinniped pupping seasons, unless constrained by factors including, but not limited to, human safety, national security, or for launch trajectory necessary to meet mission objectives; (3) the Navy must not launch missiles from the Alpha Complex at low elevation (less than 305 m [1,000 ft]) on launch azimuths that pass close to pinniped haul-out site(s) when occupied; (4) the Navy must avoid multiple vehicle launches in quick succession over haul-out sites when occupied, especially when young pups are present, except when required by mission objectives; and (5) the Navy must limit launch activities during nighttime hours, except when required by mission objectives (e.g., up to 10 nighttime launches for ABL testing per year). Additionally, for 2 hr prior to, during, and approximately 30 mins following each launch, personnel are not allowed near any of the pinniped haul-out beaches that are close to the flight track on the western end of SNI. Associated fixed-wing and rotary aircraft will maintain an altitude of at least 305 m (1,000 ft) when traveling near beaches on which pinnipeds are hauled out, except in emergencies or for real-time security incidents (e.g., search-and-rescue, fire-fighting, adverse weather conditions), which may require approaching pinniped haul-outs and rookeries closer than 305 m (1,000 ft). Additionally, monitoring methods will be reviewed by NMFS if post-launch surveys determine that an injurious or lethal take of a marine mammal occurred. The Navy will also use monitoring surveys and time-lapse video to monitor the animals before, during, and after missile launches. Reports will be submitted to NMFS after each LOA expires, and a final comprehensive report, which will summarize all previous reports and assess cumulative impacts, will be submitted before the rule expires. This LOA will be renewed annually based on review of the annual monitoring report.

Dated: June 3, 2009.

Helen M. Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–13501 Filed 6–8–09; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Commission Agenda, Priorities and Strategic Plan; Request for Comments

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) is developing its agenda and priorities for Commission attention during fiscal year 2011, which begins October 1, 2010, and considering revisions to its current strategic plan, pursuant to the Government Performance and Results Act (GPRA). The Commission seeks written comments concerning the Commission's agenda and priorities for fiscal year 2011 and revisions to the strategic plan.

DATES: Written comments from members of the public must be received by the Office of the Secretary not later than June 26, 2009.

ADDRESSES: Written comments should be captioned ''Agenda, Priorities and Strategic Plan'' and e-mailed to *cpsc-os@cpsc.gov*, or mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814, to be received not later than June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Todd A. Stevenson, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; e-mail *cpsc-os@cpsc.gov*; telephone (301) 504–7923; facsimile (301) 504–0127.

SUPPLEMENTARY INFORMATION: Section 306(d) of the Government Performance and Results Act (GPRA) (5 U.S.C. 306(d)) requires the Commission to seek comments from interested parties as part of the process of revising the current CPSC strategic plan. The strategic plan is a GPRA requirement. The revised plan will provide an overall guide to the formulation of future agency actions and budget requests. The Office of Management and Budget requires all Federal agencies to submit their budget requests 13 months before the beginning of each fiscal year. The draft CPSC budget request for fiscal year 2011, which begins on October 1, 2010, is being formulated now by staff. The final budget request must reflect the contents of the agency's strategic plan developed under GPRA.

Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws it administers, and, to the extent feasible, to select priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that, before establishing its agenda and priorities, the Commission conduct a public hearing and provide an opportunity for the submission of comments.

An electronic copy of the 2003 Strategic Plan can be found at *http://www.cpsc.gov/cpscpub/pubs/reports/2003strategic.pdf.* An electronic copy of the CPSC budget request for fiscal year 2010 can be found at *http://www.cpsc.gov/cpscpub/pubs/reports/2010plan.pdf.* For a printed copy of these documents, e-mail, call or write Todd A. Stevenson, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; e-mail *cpsc-os@cpsc.gov*; telephone (301) 504–7923; facsimile (301) 504–0127.

Written comments on suggested revisions to the Commission's current strategic plan, and agenda and priorities for fiscal year 2011, should be captioned ''Agenda, Priorities and Strategic Plan'' and e-mailed to *cpsc-os@cpsc.gov,* or

mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814, to be received not later than June 26, 2009. If the analysis of any issues raised in the comments would benefit from a public hearing, the Commission will hold a hearing. The Commission will publish a notice in the **Federal Register** specifying the date, time, and location of such hearing.

The Commission desires to obtain the views of a wide range of interested persons including consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; consumer advocates; and health and safety officers of State and local governments on both the fiscal year 2011 budget and potential revisions to the strategic plan.

Dated: June 3, 2009.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E9–13361 Filed 6–8–09; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted a public information collection request (ICR) entitled AmeriCorps VISTA Recovery Act Progress Report Supplement to the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35).

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Office for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register**.

(1) By fax to: (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Office for the Corporation for National and Community Service, by any of the following two methods within 30 days form the date of publication in this **Federal Register**.

(2) Electronically by e-mail to *smar@omb.eop.gov*.

A copy of this ICR, with applicable supporting documentation may be obtained by contacting the Corporation for National Service, AmeriCorps VISTA, Craig Kinnear, Program Analyst, (202) 606–6708, or by e-mail at *ckinnear@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and,
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Current Action: The VISTA Recovery Act Progress Report Supplement (VRPRS) is designed to collect data related to the outcomes and outputs of Recovery Act funded VISTA Members and to allow AmeriCorps-VISTA to report on those activities as required by the legislation.

A 60-Day-Notice regarding this request was published in the **Federal Register** on April 1, 2009. No comments were received as a result of that publication.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: VISTA Recovery Act Progress Report Supplement.

OMB Number: 3045–0131.

Agency Number: None.

Affected Public: AmeriCorps*VISTA sponsoring organizations (includes nonprofit organizations and State, local and tribal agencies).

Total Respondents: 950.

Frequency: Quarterly.

Average Time per Response: 1 hour.

Estimated Total Burden Hours: 3,800.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: June 2, 2009.

Paul Davis,

*Acting Director, AmeriCorps*VISTA.*

[FR Doc. E9–13524 Filed 6–8–09; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Business Board (DBB); Task Group Review of the National Security Personnel System (NSPS)

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces the following Federal advisory subcommittee meeting.

DATES: Public meetings of the Defense Business Board's Task Group created to review the NSPS will be held on 25 June 2009 from 1 p.m. to 4 p.m., and on 26 June 2009 from 9 a.m., until 12 noon, resuming from 1 p.m. to 4 p.m.

ADDRESSES: Hyatt-Arlington, 1325 Wilson Blvd., Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: For additional information on the meeting and materials, please contact Iona Evans, Task Group on NSPS, 2521 South Clark Street, Room 650, Arlington, VA 22202, *Iona.evans@wso.whs.mil,* (703) 699–2801. The Board's Designated Federal Officer is Phyllis Ferguson, Defense Business Board, 1155 Defense Pentagon, Room 3C288, Washington, DC 20301–1155, *Phyllis.ferguson@osd.mil,* (703) 695–7563.

SUPPLEMENTARY INFORMATION:

(a) Background

The mission of the DBB is to advise the Secretary of Defense on effective strategies for implementation of best business practices of interest to the Department of Defense. The Deputy Secretary of Defense requested the DBB to form a Task Group to review NSPS to help the Department determine: (1) If the underlying design principles and methodology for implementation are reflected in the NSPS program objectives; (2) whether the program objectives are being met; and (3) whether NSPS is operating in a fair, transparent, and effective manner. This Task Group is a subcommittee of the

Defense Business Board, and pursuant to the Federal Advisory Committee Act of 1972, the Government in Sunshine Act of 1976, and other appropriate federal regulations, this Task Group does not work independently of the Board's charter.

(b) Availability of Materials for the Meeting

A copy of the June 25 and 26 meeting agenda may be obtained from the Board's website at *http://www.defenselink.mil/dbb* under ''NSPS Task Group.'' On June 25th the Task Group will invite experts on this topic and who recently testified before Congress. On June 26th the Task Group will hear from select members of the public where the Task Group requires additional information or explanation from previously submitted written comments.

(c) Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

(1) Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Evans at least five business days prior to the meeting so that appropriate arrangements may be made.

(d) Procedures for Providing Public Comments

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to Ms. Phyllis Ferguson, Designated Federal Officer for the Defense Business Board, 2521 South Clark Street, Room 650, Arlington, VA 22202, and this individual will ensure that the written comments are provided to the Task Group for their consideration.

Written comments being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed above by June 18, 2009. Written comments received after this date may not be received in time for the NSPS Review Task Group to consider prior to the June 25–26, 2009 meeting.

While individuals are not required to follow any specific format when submitting written comments, it would be beneficial to the Task Group's analysis if those individuals who are submitting written comments consider formatting their comments along the following lines:

1. Classification Architecture (design of pay bands, pay schedules, and career groups);

2. Implementation of NSPS (initial orientation, availability of training, communication with employees);

3. Labor Management Relations (collective bargaining issues);

4. Pay Pool Process (pay pool funding, transparency, fairness, equity, uniformity and consistency across pay pools);

5. Pay Setting (rules/flexibilities for setting pay on reassignments, promotions, new hires, etc.);

6. Pay Structure (pay bands, targeted local market supplement, general salary increases);

7. Performance Management (design of performance management system including performance plans, monitoring performance, performance criteria, rating levels, rating distribution, performance process, communication, reconsideration process, administrative workload);

8. Program Outcomes (mission alignment, results focused, high-performing workforce);

9. Staffing and Employment (appointing authorities, alternative promotion procedures, hiring flexibilities).

In addition and on a voluntary basis, the Task Force would also like those submitting written comments to consider providing the following information: (1) DoD NSPS Employee, (2) DoD NSPS Supervisor, (3) DoD Non-NSPS Employee, (4) Other Federal Government Employee, (5) Non-Federal Government Employee or (6) Interested Organization.

Please note: The Board operates under the provisions of the Federal Advisory Committee Act, as amended; therefore, all public presentations will be treated as public documents and will be made available for public inspection, including being posted on the Board's Web site.

Dated: June 3, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–13382 Filed 6–8–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Elverta Specific Plan Project, in Sacramento County, CA, Corps Permit File Number SPK–2004–323

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Sacramento District (Corps), will prepare an Environmental Impact Statement (EIS) for the Elverta Specific Plan project, a proposed master planned community in Sacramento County, CA. The Elverta Owners Group has applied for Department of Army permits to fill approximately 39 acres of waters of the United States, including wetlands, to construct this project.

ADDRESSES: Please send written comments to Kathleen Dadey, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Room 1480, Sacramento, CA 95814–2922.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS should be addressed to Kathleen Dadey, (916) 557–7253, e-mail: *Kathleen.A.Dadey@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Elverta Specific Plan (Plan) addresses future land uses on approximately 1,745 acres in north-central Sacramento County, California. The Elverta Owners Group has applied for Department of the Army permits under Section 404 of the Clean Water Act to develop approximately 775.6 acres of the Plan area as the initial phase of the Plan. The Elverta Owners Group, which is comprised of 13 applicants, has submitted one application for the infrastructure to serve the Plan area and individual permit applications for 22 separate development parcels (projects). Each of the projects is complete and independent from one another; however, each of the projects relies upon the common drainage, roadways, and sewer infrastructure as described in the infrastructure permit application.

An Environmental Impact Report (EIR) was prepared for the Plan by the Sacramento County Department of Environmental Review and Assessment (DERA) under the California Environmental Quality Act (CEQA). The EIR provided a site plan that identified participant properties included in the project at the time of publication. Since that time the mix of included properties

has changed. For this reason, figures and analyses in the EIR and in various technical documents show differing patterns of included project parcels within the Plan area as compared to the current proposal. However, because the EIR evaluated impacts at a programmatic level for the entire Plan area, all parcels that are included in the current proposal were evaluated by DERA in the EIR.

The Elverta Specific Plan is primarily residential in character: It includes 880.3 acres of urban residential uses and 551.8 acres of agricultural-residential uses with a total of 6,187 residential units; 15.0 acres of commercial uses; 4.4 acres of office/professional uses; 20.2 acres of school uses; 73.3 acres of park uses; 18.4 acres (former landfill site) to be designated as open space; and 191.9 acres to be used for drainageways, detention facilities, trails, powerline corridor and major roads. Development proposed by the Elverta Owners Group on the 22 parcels would be consistent with these uses. The number of residential units has increased from the original 4,950 units analyzed previously in the EIR. The Sacramento County Housing Element 2008–2013 (adopted December 2008) allows for a 25% density increase for residential development projects that meet the following two conditions: (1) Result in energy savings beyond those obtained with conventional design and construction techniques, and, (2) The amount of increased density is proportional to the amount of increased energy efficiency achieved that exceeds adopted regulations (see Chapter 3, Sub-Strategy VII–A, Policy HE–59c of the Housing Element [page 3–91]). The proposed project would meet these criteria and therefore the maximum of 6,187 residential units is proposed.

The project would result in fill of up to 39 acres of waters of the United States, including seasonal wetlands, vernal pools, intermittent channels, swales, and ditches. Some of this fill would be permanent and some would be temporary. Temporary fill would be restored with approximately 15 acres of riparian corridors on the project site. The riparian enhancements are expected to enhance the hydrologic functions and biological quality of existing channels. Offsite mitigation is also proposed to compensate for onsite impacts to wetlands and waters.

The EIS will include an evaluation of a reasonable range of alternatives. Currently, the following alternatives are expected to be analyzed in detail: (1) The no action (no development) alternative, (2) the no federal action (no permit issued) alternative, (3) the applicant's preferred project, (4) the approved Specific Plan, and (5) a different location (off-site) alternative. The no action (no development) alternative assumes no development would occur on the site. The no federal action (no permit issued) alternative assumes limited development would occur on the site with all waters of the United States avoided. The off-site alternative assumes the proposed project would be developed at a different but suitably sized site in the region. The Corps will also use the EIS to evaluate alternatives under the Section 404(b)(1) Guidelines, and additional alternatives may be developed under this evaluation.

The Corps' scoping process for the EIS includes a public involvement program with several opportunities to provide oral and written comments. In addition to public meetings and notifications in the **Federal Register**, the Corps will issue public notices when the draft and final EISs are available. Affected Federal, State, and local agencies, Native American tribes, and other interested private organizations and parties are invited to participate.

Potentially significant issues to be analyzed in the EIS include, but are not limited to: Loss of waters of the United States, including wetlands; land use and agriculture; population, employment and housing; environmental justice and socio-economic impacts; drainage, hydrology and water quality; utilities and service systems; public services; geology, soils and mineral resources; paleontological resources; cultural and historic resources; biological resources; visual resources; parks and recreation; hazards and hazardous materials; traffic and transportation; air quality and global climate change; noise; and cumulative and growth inducing impacts. The Corps is the lead agency for preparation of the EIS under the requirements of the National Environmental Policy Act (NEPA). The Corps will coordinate with other agencies, such as Sacramento County.

Other environmental review and consultation requirements for the proposed action include the need for the applicant to obtain water quality certification under Section 401 of the Clean Water Act from the California Central Valley Regional Water Quality Control Board. In addition, the federally listed vernal pool fairy shrimp (*Branchinecta lynchi*) is known to occur in the Plan area. Surveys conducted on the majority of the properties within the Plan area according to the U.S. Fish and Wildlife Service's protocol requirements during the wet seasons of 2000 and 2001 found *B. lynchi* at three locations. Dry season sampling conducted in 2005 (on 12 parcels) and 2007 (on 23 parcels) also found evidence of the federally listed *Branchinecta.* The Corps will formally consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the federal Endangered Species Act. The Corps will also consult with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act concerning properties listed, or potentially eligible for listing, on the National Register of Historic Places.

A public scoping meeting for the EIS will be held on June 24, 2009, from 4 p.m. to 7 p.m. The meeting will be held at the Rio Linda Elverta Community Center, 810 Oak Lane, Rio Linda, CA 95673. Interested parties can provide oral and written comments at the meeting. Interested parties may also submit written comments on this notice. Scoping comments should be submitted before June 29, 2009 but may be submitted at any time prior to publication of the Draft EIS.

Interested parties may register for the Corps' public notice e-mail notification lists at: *http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/pnlist.html*.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–13473 Filed 6–8–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board Plenary Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.140 through 160), the Department of the Army announces the following committee meeting:

Name of Committee: Army Science Board (ASB).

Date(s) of Meeting: July 13–23, 2009.

Time(s) of Meeting:

0800–1700, July 13, 2009.
0800–1700, July 14, 2009.
0800–1700, July 15, 2009.
0800–1700, July 16, 2009.
0800–1700, July 17, 2009.
0800–1700, July 20, 2009.
0800–1700, July 21, 2009.
0800–1700, July 22, 2009.
0800–1400, July 23, 2009.

Location: Beckman Center, 100 Academy, Irvine, CA 92617.

Purpose: The purpose of these meetings is to generate the reports for the 2009 ASB panels—studies (*i.e.,* Persistent CSR, Army Installations 2025, Generation Y Communications, Armed Ground Robotics, and Survivability).

Proposed Agenda:

Monday 13 July:
- 0800 Kick Off Meeting, schedule, logistics, security and administrative briefings.
- 1000–1700 members break out into individual panels to generate study report.

Tuesday 14 July:
- 0800–1700 panels (i.e., Persistent CSR, Army Installations 2025, Generation Communications, Armed Ground Robotics, and Survivability) meet separately.

Wednesday 15 July:
- 0800–1700 panels meet separately.

Thursday 16 July:
- 0800–1700 panels meet separately.

Friday 17 July:
- 0800–1700 panels meet separately.

Monday 20 July:
- 0800–1700 panels meet separately.

Tuesday 21 July:
- 0800–1700 panels meet separately.

Wednesday 22 July:
- 0800–1700 panels meet separately.

Thursday 23 July:
- 0800–1200 Deliberation and adoption by ASB subcommittee findings and recommendation.

FOR FURTHER INFORMATION CONTACT: For information please contact Mr. Justin Bringhurst at *justin.bringhurst@us.army.mil* or (703) 604–7468 or Carolyn German at *carolyn.t.german@us.army.mil* or (703) 604–7490.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–13439 Filed 6–8–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Western Hemisphere Institute for Security Cooperation Board of Visitors; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice; location change.

SUMMARY: The location for the Western Hemisphere Institute for Security Cooperation Board of Visitors meeting scheduled for June 18, 2009 that was published in the **Federal Register** on Tuesday, June 2, 2009 (74 FR 26378) has changed. The meeting will now be held at the Rayburn House Office Building, HR 2212, Washington, DC.

FOR FURTHER INFORMATION CONTACT: WHINSEC Board of Visitors Secretariat at (703) 614–1452.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–13441 Filed 6–8–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Publication of Revision and Consolidation of Military Freight Traffic Rules Publications (MFTRP) 1C–R (Motor), 10 (Rail), 30 (Barge), 6A (Pipeline), 4A (Tank Truck), Military Standard Tender Instruction Publication (MSTIP) 364D, SpotBid Business Rules, and SDDC Military Class Rate Publication No. 100A to a Consolidation of Procurement Requirements for the Purchase of Commercial Transportation Services Into the Military Freight Traffic Unified Rules Publication (MFTURP) No. 1

AGENCY: Department of the Army, DOD.

SUMMARY: The Military Surface Deployment and Distribution Command (SDDC) is providing notice that it intends to publish its consolidated procurement requirements of commercial transportation services publication, the MFTURP No. 1, which governs the purchase of surface freight transportation in the Continental United States (CONUS) by DOD using Federal Acquisition Regulation (FAR) exempt transportation service contracts. The purpose for this new procurement procedure is to streamline the transportation requirements to reflect the current needs of the DOD.

DATES: This publication will be effective July 9, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Dora J. Elias, (757) 878–5379.

SUPPLEMENTARY INFORMATION:

A notice proposing this publication and an open comment period was published in the **Federal Register** (74 FR 13423) on Friday, March 27, 2009. In response to this notice, a total of six (6) comments were received. A summary of the comments and SDDC's responses are as follows:

Comment one (1): It is not believed that the unified rules currently provide Full Replacement Value (FRV) for Household Goods (HHG) Freight All Kinds (FAK) shipments correctly. Also believes that deletion of verbiage that indicates shipper can increase carrier liability because it is covered in another item.

Response one (1): SDDC has no objection to the revised verbiage provided by the commenter and will incorporate changes as annotated.

Comment two (2): For the sake of clarity and ease of understanding, SDDC is urged to adopt and use uniform terminology by referring specifically to TSP brokers, freight forwarders and logistics companies when that meaning is intended.

Response two (2): SDDC agrees with commenter and will incorporate clear terminology when referring specifically to that segment of transportation service providers.

Comment three (3): Within Section A, Part II, Paragraph C.1, there is a requirement to provide 24-hour on call point of contact information on all subcontracted TSPs. Commenter believes this information should be with the prime contractor, *i.e.,* the broker, freight forwarder, or logistic provider.

Response three (3): SDDC understands this might produce more information than what is truly needed. As a result, SDDC will retain the requirement of the broker, freight forwarder or logistic company to maintain an electronic listing of all subcontracted TSPs it may utilize in the transportation of DoD freight. However, the requirement to also provide the subcontracted TSP's corporate office address, telephone numbers and 24-hour point of contact will be removed. This information should remain with the broker, freight forwarder and/or logistic company.

Comment four (4): Within Section A, Part II, Paragraph C.3, contains ambiguity in terminology. To clarify intent, the first sentence should read: ''Subcontracted TSP will provide sufficient documentation for SDDC to verify and confirm that they have been engaged by the TSP broker, freight forwarder or logistics company named on the BL or shipment documentation.''

Response four (4): SDDC agrees, for the most part, with the verbiage provided by the commenter, with a small modification to provide the shipper the sufficient documentation to verify the subcontracted TSP has been engaged by the broker, freight forwarder or logistics company named on the BL or shipment documentation.

Comment five (5): In Section A, Part II, Paragraph C.8, commenter believes that any request for shipment status should make clear that such requests be made to the prime broker, freight forwarder or logistics company.

Response five (5): SDDC agrees and will provide the following verbiage:

''The status of any shipment tendered to a broker, freight forwarder, or logistics company will be provided within 24 hours upon SDDC's request to the broker, freight forwarder or logistics company's designated POC.''

Comment six (6): In Section A, Part II, Paragraph E.4, expand requirement to include email load confirmations that is available to SDDC and the driver.

Response six (6): While this particular paragraph deals, specifically, with TSPs with motor authority that may participate in long-term leases with other TSPs, the suggestion is viable and will be incorporated.

Miscellaneous: This publication, as well as the other SDDC publications, can be accessed via the SDDC Web site at: *http://www.sddc.army.mil/Public/Global%20Cargo%20Distribution/Domestic/Publications/*.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–13436 Filed 6–8–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 4, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Rehabilitative Services Administration (RSA) Grantee Reporting Form.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 350.
Burden Hours: 400.

Abstract: Under section 302 of the Rehabilitation Act of 1973, as amended (Act), RSA has the authority to provide financial assistance, through academic institutions, to students seeking a career in rehabilitative services. Students who receive scholarships under this program are required to work within the public rehabilitation program, such as with a state vocational rehabilitation agency, or an agency or organization that has a service arrangement with a state vocational rehabilitation. The student is expected to work two years in such settings for every year of full-time scholarship support.

Section 302(b)(2)(C) of the Act requires the academic institutions (i.e., grantees) that administer a RSA Long-Term Training program to track the employment status and location of former scholars supported under their grants in order to ensure that students are meeting the payback requirement. Program regulations at 34 CFR 386.34 require each grantee to establish and maintain a tracking system on current and former RSA scholars for this purpose.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4053. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13496 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 9, 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 IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 4, 2009.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Reinstatement.

Title: National Household Education Survey (NHES): 2009 Pilot Test.

Frequency: Once.

Affected Public: Individuals or households.

Reporting and Recordkeeping Hour Burden:

Responses: 9,994.

Burden Hours: 1,360.

Abstract: The National Household Education Surveys Program (NHES) collects data directly from households on early childhood care and education, children's readiness for school, parent perceptions of school safety and discipline, before- and after-school activities of school-age children, participation in adult and continuing education, parent involvement in education, school choice, homeschooling, and civic involvement. NHES surveys have been conducted approximately every other year from 1991 through 2007 using random digit dial (RDD) sampling and telephone data collection from landline telephones only. Each survey collection included the administration of household screening questions (Screener) and two or three topical surveys. Like virtually all RDD surveys, NHES Screener response rates have declined (from about 80% in early 1990s to 53% in 2007) and the decline in the percentage of households without landline telephones (from about 93% in early 2004 to about 80% in the first half of 2008; mostly due to conversion to cellular-only coverage) raises issues about population coverage. While studies examining possible biases in the NHES survey estimates have not identified nonresponse bias, some indications of possible coverage bias were detected in a special bias study conducted in 2007. As a result, NCES is redesigning the NHES program to develop and assess approaches to collecting data with improved response and population coverage. The Pilot Test will be conducted in the fall of 2009 to examine proposed methods on a smaller and more economical scale prior to a large-scale Field Test planned for 2011. The NHES: 2009 Pilot Test will use a reduced sample (approximately 10% of the anticipated 2011 Field Test sample size) and involve screening of approximately 11,800 households to identify those with eligible children and youth. Parents or guardians of sampled children will be ECPP), and the Parent and Family Involvement in Education Survey (PFI). The PFI Survey has been divided into two questionnaire forms for ease of self-administration: one focuses on children enrolled in school for kindergarten through 12th grade and one focuses on children who are homeschooled.

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 3997. 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. E9–13498 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 9, 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 IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 4, 2009.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Revision.

Title: Application Package for the Jacob K. Javits Fellowship Program.

Frequency: Annually.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 800.

Burden Hours: 4,000.

Abstract: This information collection provides the U.S. Department of Education with information needed to evaluate, score and rank the quality of individual applicants applying for a Javits fellowship. Title VII, part A of the Higher Education Act of 1965, as amended, requires the collection of specific data that is necessary for applicants to receive a fellowship, and their institutions to receive both the initial and non-competing continuation grant awards to be administered during the term of the grant award per program and federal guidelines.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

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 4029. 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. E9–13499 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 3, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of the Participation and Performance of Students with Disabilities on State Assessments by Content Area, Grade, and Type of Assessment.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 3,615.

Abstract: This package provides instructions and forms necessary for States to report the number of students with disabilities who are receiving special education and related services under IDEA, Part B, that are participating in state assessments and their performance on those assessments. The form satisfies reporting requirements and is used by Office of Special Education Program (OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4063. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13384 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 3, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Personnel (in Full-Time Equivalency of Assignment) Employed to Provide Special Education and Related Services for Children with Disabilities.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 7,314.

Abstract: This package provides instructions and forms necessary for States to report the number of personnel employed and whether they are highly qualified for their position in providing special education and related services to children with disabilities under IDEA, Part B. The form satisfies reporting requirements and is used by Office of Special Education Program (OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4060. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13386 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 3, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Children Receiving Special Education under Part B of the Individuals with Disabilities Education Act, as amended.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 30,084.

Abstract: This package provides instructions and forms necessary for States to report the count of children with disabilities receiving special education and related services under IDEA, Part B. The form satisfies reporting requirements and is used by Office Special Education Program

(OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4059. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13388 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 3, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Children with Disabilities Exiting Special Education.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 69,048.

Abstract: This package provides instructions and forms necessary for States to report the number of children with disabilities exiting special education and related services under IDEA, Part B. The form satisfies reporting requirements and is used by Office of Special Education Program (OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 4061. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13387 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment

addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 3, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Children with Disabilities Subject to Disciplinary Removal.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 228,048.

Abstract: This package provides instructions and forms necessary for States to report the number of children with disabilities who are receiving special education and related services under IDEA, Part B, but were removed from their special education placements due to disciplinary offenses. The form satisfies reporting requirements and is used by Office of Special Education Program (OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4062. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13385 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 10, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 3, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 4,200.

Abstract: This package provides instructions and forms necessary for States to report the number of written, signed complaints; mediation requests; due process complaints; and expedited due process complaints and the status of these actions with regards to children served under Part B of IDEA initiated during the reporting year. The form satisfies reporting requirements and is used by Office of Special Education Program (OSEP) to monitor SEAs and for Congressional reporting.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4064. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–13383 Filed 6–8–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3603–013]

Pitkin County, CO, City of Aspen, CO; Notice of Application for Transfer of License, and Soliciting Comments, Motions to Intervene, and Protests

June 2, 2009.

On May 12, 2009, Pitkin County, Colorado and City of Aspen, Colorado (Transferors) and City of Aspen, Colorado (Transferee) filed a joint application for transfer of license of the Ruedi Power Plant Project, located on the Fryingpan River in Pitkin and Eagle Counties, Colorado.

Applicants seek Commission approval to transfer the license for Ruedi Power Plant Project from Pitkin County, Colorado and City of Aspen, Colorado to City of Aspen, Colorado.

Applicant Contact: for Pitkin County: Mr. John M. Ely, Pitkin County Attorney, 530 E Main Street, Third Floor, Aspen, CO 81611. For the City of Aspen: Mr. Karl F. Kumli, III, Special Counsel for the City of Aspen, Dietze and Davis PC, 2060 Broadway, Suite 400, Boulder, CO 80302, phone (303) 447–1375.

FERC Contact: Robert Bell, (202) 502–6062.

Deadline for filing comments, protests, and motions to intervene: 30 days from the issuance of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–3603–013) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–13362 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Attendance at NYISO Meetings

June 2, 2009.

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and Commission staff may attend the following upcoming NYISO meetings:

- NYISO Business Issues Committee.
- June 10 (Rensselaer, NY).
- July 22 (Rensselaer, NY).
- NYISO Management Committee.
- June 15 (Albany, NY).
- June 24 (Rensselaer, NY).
- July 27 (Rensselaer, NY).
- NYISO ICAP Working Group.
- June 5 (Rensselaer, NY).
- July 7 (Rensselaer, NY).
- NYISO Transmission Planning Advisory Committee.
- July 7 (Rensselaer, NY).
- NYISO Joint Board of Directors & Management Committee.
- June 16 (Albany, NY).

For additional meeting information, see *http://www.nyiso.com/public/committees/calendar/index.jsp.*

The discussions at each of the meetings described above may address matters at issue in the following proceedings:

Docket No. ER09–945, *New York Independent System Operator, Inc.*

Docket Nos. EL07–39 and ER08–695, *New York Independent System Operator, Inc.*

Docket No. ER09–1142, *New York Independent System Operator, Inc.*

Docket Nos. ER01–3001–021/ER03–647–012 and ER01–3001–022/ER03–647–013, *New York Independent System Operator, Inc.*

Docket No. ER09–405, *New York Independent System Operator, Inc.*

Docket No. ER04–449, *New York Independent System Operator, Inc.*

Docket No. OA08–52; *New York Independent System Operator, Inc.*

Docket No. OA09–26; *New York Independent System Operator, Inc.*

The meetings are open to stakeholders. For more information, contact Jesse Hensley, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (202) 502–6228 or *Jesse.Hensley@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–13364 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Attendance at PJM Meetings

June 2, 2009.

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and Commission staff may attend the following upcoming meetings of the PJM Interconnection LLC. All meetings are in Wilmington, DE unless noted otherwise:

Members Committee (MC)

- June 4, 2009.
- August 13, 2009.
- September 24, 2009 (BWI Airport).

Markets and Reliability Committee (MRC)

- June 17, 2009.
- July 30, 2009.
- September 23, 2009 (BWI Airport).

Market Implementation Committee (MIC)

- June 11, 2009.
- July 14, 2009.
- August 14, 2009.
- September 10, 2009.

Planning Committee (PC)

- June 9, 2009.
- July 15, 2009.
- August 12, 2009.
- September 16, 2009 (Norristown, PA).

Capacity Market Evolution Committee (CMEC)

- July 17, 2009.
- August 5, 2009.
- August 24, 2009.

Additional meeting information and schedules may be found at *http://www.pjm.com/committees-and-groups.aspx.*

The discussions at each of the meetings described above may address matters at issue in the following proceedings:

Docket No. ER05–1410, *PJM Interconnection LLC.*

Docket No. ER06–456 *et al., PJM Interconnection LLC.*

Docket No. ER08–194, *Duquesne Light Co.*

Docket No. ER08–386, *Potomac-Appalachian Transmission Highline, LLC.*

Docket No. ER08–686, *Pepco Holdings, Inc.*

Docket No. ER08–1370, *Midwest Independent Transmission System Operator, Inc. and Duquesne Light Co.*

Docket No. ER09–75, *Pioneer Transmission LLC.*

Docket No. ER09–369, *PJM Interconnection LLC.*
Docket No. ER09–412, *PJM Interconnection LLC.*
Docket No. ER09–497, *et al., PJM Interconnection LLC.*
Docket No. ER09–585, *PJM Interconnection LLC.*
Docket No. ER09–701, *PJM Interconnection LLC.*
Docket No. ER09–730, *PJM Interconnection LLC.*
Docket No. ER09–745, *Baltimore Gas and Electric Company.*
Docket No. ER09–940, *Northern Virginia Electric Cooperative, Inc.*
Docket No. ER09–996, *PJM Interconnection LLC.*
Docket No. ER09–1063, *PJM Interconnection LLC.*
Docket No. EL05–148, *PJM Interconnection LLC.*
Docket No. EL08–12, *PJM Industrial Customer Coalition* v *PJM Interconnection LLC.*
Docket No. EL08–44, *PJM Interconnection LLC* v *Accord Energy, LLC et al.*
Docket No. EL08–47, *Maryland Public Service Commission* v *PJM Interconnection LLC.*
Docket No. EL08–67, *Maryland Public Service Commission et al.* v *PJM Interconnection LLC.*
Docket No. EL08–78, *Commonwealth Edison Company.*
Docket No. EL09–39, *First Energy Solutions Corp.*

The meetings are open to stakeholders. For more information regarding Commission participation, contact Morris Margolis, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (202) 502–8611 or *morris.margolis@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–13363 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–414–000]

Natural Gas Pipeline Company of America LLC; Notice of Request Under Blanket Authorization

June 2, 2009.

Take notice that on May 19, 2009, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed in the above Docket, a prior notice request pursuant to sections 157.205, 157.208 and 157.213 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to: (i) Convert up to 5 billion cubic feet (Bcf) of cushion gas to working gas over a three-year term period (2009 though 2011) which will allow Natural to provide an additional five Bcf of Nominated Storage Service to its shippers; (ii) increase the maximum certificated withdrawal capacity from 600 million standard cubit feet per day (MMscf/d) to 667 MMscf/d; and (iii) install over pressure protection equipment at Natural's Sayre Storage field in Beckham County, Oklahoma. 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 Russell Frame, Engineer, Gas Storage, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, 7th floor, Downers Grove, Illinois 60515 at (630) 725–3827.

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. E9–13366 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

June 3, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–618–000.
Applicants: Stingray Pipeline Company, LLC.
Description: Stingray Pipeline Company, LLC submits Tenth Revised Sheet 199 to FERC Gas Tariff—Third Revised Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0092.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–622–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: Garden Banks Gas Pipeline, LLC submits Eleventh Revised Sheet 136 *et al.* to FERC Gas Tariff—Original Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0088.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–623–000.
Applicants: Mississippi Canyon Gas Pipeline, LLC.
Description: Mississippi Canyon Gas Pipeline, LLC submits Sixth revised Sheet 151 *et al.* of its FERC Gas Tariff—First Revised Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0087.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–624–000.
Applicants: Enbridge Pipelines (Midla) LLC.
Description: Enbridge Pipelines (Midla) LLC submits Second Revised Sheet 188A *et al.* of its FERC Gas Tariff—Fifth Revised Volume 1 under RM96–1 *et al.*
Filed Date: 05/28/2009.
Accession Number: 20090529–0086.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–630–000.
Applicants: Transcontinental Gas Pipe Line Company,
Description: Transcontinental Gas Pipe Line Co, LLC submits First Revised Sheet 31 *et al.* to FERC Gas Tariff—Fourth Revised Volume 1, to be effective 7/1/09.
Filed Date: 05/29/2009.

Accession Number: 20090529–0107.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–631–000.
Applicants: Northwest Pipeline GP.
Description: Northwest Pipeline GP requests limited waiver from 5/21/09 to 6/17/09 of First Revised Sheet 302–B *et al.* to FERC Gas Tariff.
Filed Date: 05/29/2009.
Accession Number: 20090529–0106.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–637–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits Twenty-Fourth Revised Sheet No. 4 *et al.* to its FERC Gas Tariff, Second Revised Volume No. 1 with a proposed effective date of 7/1/09.
Filed Date: 05/29/2009.
Accession Number: 20090601–0185.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–638–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Limited Partnership submits tariff filing in compliance with the Final Rule in Order No. 587–T, to be effective 7/1/09.
Filed Date: 05/29/2009.
Accession Number: 20090601–0184.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–642–000.
Applicants: ANR Pipeline Company.
Description: ANR Storage Company submits Ninth Revised Sheet No 137 *et al.* to its FERC Gas Tariff, Second Revised Volume No. 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0193.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–643–000.
Applicants: Blue Lake Gas Storage Company.
Description: Blue Lake Gas Storage Company submits Fourteenth Revised Sheet No. 153 to its FERC Gas Tariff, First Revised Volume No 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0192.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–644–000.
Applicants: ANR Storage Company.
Description: ANR Storage Company submits Fourteenth Revised Sheet No. 153 to its FERC Gas Tariff, Original Volume No 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0191.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–645–000.
Applicants: Liberty Gas Storage, LLC.
Description: Liberty Gas Storage LLC submits Second Revised Sheet No. 149 *et al.* to its FERC Gas Tariff, First Revised Volume No. 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0190.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–646–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline LLC submits First Revised Sheet No. 166 *et al.* to its FERC Gas Tariff, First Revised Volume No. 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0189.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–649–000.
Applicants: Bluewater Gas Storage, LLC.
Description: Bluewater Gas Storage, LLC submits First Revised Sheet No. 150 *et al.* to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0188.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–651–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: Pine Prairie Energy Center, LLC submits First Revised Sheet No. 153 *et al.* to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0187.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–653–000.
Applicants: Questar Southern Trails Pipeline Company.
Description: Questar Southern Trails Pipeline Company submits annual fuel reimbursement report for the twelve months ended 3/31/09.
Filed Date: 05/29/2009.
Accession Number: 20090601–0183.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–654–000.
Applicants: White River Hub LLC.
Description: White River Hub, LLC submits annual fuel reimbursement report for the period ended 3/31/09.
Filed Date: 05/29/2009.
Accession Number: 20090601–0182.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–655–000.
Applicants: Kinder Morgan Interstate Gas Transmission LLC.
Description: Kinder Morgan Interstate Gas Transmission LLC submits Fifth Revised Sheet No. 89C *et al.* to its FERC Gas Tariff, Fourth Revised Volume No. 1–B to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0186.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–656–000.
Applicants: Discovery Gas Transmission LLC.
Description: Discovery Gas Transmission LLC submits for filing and acceptance Tenth Revised Sheet 33 *et al.* to FERC Gas Tariff, Original Volume 1 to be effective 7/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0135.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–657–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC, submits First Revised Sheet 380 *et al.* to its FERC Gas Tariff, Original Volume 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0136.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–658–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits First Revised Sheet 385 *et al.* to FERC Gas Tariff, Third Revised Volume 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0137.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–659–000.
Applicants: Saltville Gas Storage Company LLC.
Description: Saltville Gas Storage submits Third Revised Sheet 148 *et al.* to its FERC Gas Tariff, Original Volume 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0138.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–660–000.
Applicants: CenterPoint Energy-Mississippi River Transmission Corporation.
Description: CenterPoint Energy-Mississippi River Transmission Corporation submits Thirteenth Revised Sheet 80 *et al.* to its FERC Gas Tariff, Third Revised Volume 1 to be effective 9/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0139.

Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–661–000.
Applicants: Cheyenne Plains Gas Pipeline Company, LL.
Description: Cheyenne Plains Gas Pipeline Company submits for acceptance Third Revised Sheet 205 *et al.* to its FERC Gas Tariff, Original Volume 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0140.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–662–000.
Applicants: El Paso Natural Gas Company.
Description: Pipeline Integrity Program Refund Report reflecting 2007 Accounting Data of El Paso Natural Gas Company.
Filed Date: 06/01/2009.
Accession Number: 20090601–5250.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–663–000.
Applicants: Energy West Development, Inc.
Description: Energy West Development, Inc submits Third Revised Sheet 29 *et al.* to its FERC Gas Tariff, Original Volume 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090602–0141.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–664–000.
Applicants: CenterPoint Energy Gas Transmission Company.
Description: CenterPoint Energy Gas Transmission Company submits Third Revised Sheet No. 582 to its FERC Gas Tariff, Sixth Revised Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0142.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–665–000.
Applicants: Mojave Pipeline Company.
Description: Mojave Pipeline Company submits Tenth Revised Sheet No. 202 *et al.* to its FERC Gas Tariff, Second Revised Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0143.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–666–000.
Applicants: El Paso Natural Gas Company.
Description: El Paso Natural Gas Company submits Fifth Revised Sheet No. 202A 01 *et al.* to its FERC Gas Tariff, Second Revised Volume No. 1A.
Filed Date: 06/01/2009.
Accession Number: 20090602–0144.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–667–000.
Applicants: Young Gas Storage Company, Ltd.
Description: Young Gas Storage Company, LTD submits Fourteenth Revised Sheet No. 49 *et al.* to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0145.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–668–000.
Applicants: Wyoming Interstate Company, Ltd.
Description: Wyoming Interstate Company, Ltd submits Fifth Revised Sheet No. 37C 01 *et al.* to its FERC Gas Tariff, Second Revised Volume No. 2.
Filed Date: 06/01/2009.
Accession Number: 20090602–0146.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–669–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company submits Eighteenth Revised Sheet No. 231 *et al.* to its FERC Gas Tariff, First Revised Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0147.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–670–000.
Applicants: Southern Natural Gas Company.
Description: Southern Natural Gas Company submits Twelfth Revised Sheet No. 212H to its FERC Gas Tariff, Seventh Revised Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0148.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–671–000.
Applicants: Southern LNG Inc.
Description: Southern LNG Inc submits Fourth Revised Sheet No. 99 *et al.* to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0149.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–672–000.
Applicants: Black Marlin Pipeline Company.
Description: Black Marlin Pipeline Company submits Title page *et al.* to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0150.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–673–000.
Applicants: Discovery Gas Transmission LLC.
Description: Discovery Gas Transmission LLC submits Tenth Revised Sheet No. 196 to it FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0151.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–674–000.
Applicants: USG Pipeline Company.
Description: USG Pipeline Company submits Sixth Revised Sheet No. 71 to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0152.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–675–000.
Applicants: Dominion Transmission, Inc.
Description: Dominion Transmission, Inc submits Seventh Revised Sheet No. 1173 to its FERC Gas Tariff, Third Revised Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0153.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–676–000.
Applicants: Dominion South Pipeline Co., LP.
Description: Dominion South Pipeline Company, LP submits First Revised Sheet No. 1056 to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0154.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–677–000.
Applicants: Dominion Cove Point LNG, LP.
Description: Dominion Cove Point LNG, LP submits Third Revised Sheet No. 279 to its FERC Gas Tariff, Original Volume No. 1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0155.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–678–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits ten amendments to existing negotiated rate Transportation Rate Schedule FTS Agreements between MEP and the Shippers.
Filed Date: 06/01/2009.
Accession Number: 20090602–0167.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Any person desiring to intervene or to protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–13392 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings—No. 2

June 3, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP96–200–213.

Applicants: CenterPoint Energy Gas Transmission Company.

Description: CenterPoint Energy Gas Transmission Company submits for approval negotiated rate agreement with Arkansas Electric Cooperative Corporation.

Filed Date: 06/01/2009.

Accession Number: 20090602–0133.

Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP96–200–214.

Applicants: CenterPoint Energy Gas Transmission Comp.

Description: CenterPoint Energy Gas Transmission Company submits for approval amended negotiated rate agreement with Shell Energy North America.

Filed Date: 06/01/2009.

Accession Number: 20090602–0134.

Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP99–301–236.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits for filing and acceptance an amendment to one Rate Schedule ETS–1 negotiated rate agreement with Wisconsin Power & Light Co.

Filed Date: 06/01/2009.

Accession Number: 20090602–0131.

Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP99–301–237.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits for filing and acceptance and one Rate Schedule FTS–3 negotiated rate service agreement with Wisconsin Power & Light Co.

Filed Date: 06/01/2009.

Accession Number: 20090602–0132.

Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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 email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–13390 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings—No. 2

June 2, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP96–272–092.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits Eighth Revised Sheet No 66B 01a *et al.* to its FERC Gas Tariff, Fifth Revised Volume No 1.

Filed Date: 05/29/2009.

Accession Number: 20090601–0153.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP96–320–108.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits capacity release agreement numbered 34951 containing negotiated rate provisions executed by Gulf South and Texia Energy Management, Inc.

Filed Date: 05/29/2009.

Accession Number: 20090601–0154.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP99–106–015.

Applicants: TransColorado Gas Transmission Company LLC.
Description: TransColorado Gas Transmission Company LLC Revenue Sharing Report.
Filed Date: 05/29/2009.
Accession Number: 20090529–5064.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP99–176–201.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits amendment to existing negotiated rate transaction under Rate Schedule FTS Service Agreement between Natural and Lacede Energy Resources, Inc.
Filed Date: 05/29/2009.
Accession Number: 20090601–0155.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–423–001.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company requests to defer the annual Transportation Retainage Adjustment Rates to be effective 8/1/09.
Filed Date: 05/22/2009.
Accession Number: 20090527–0048.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: RP09–444–002.
Applicants: Wyckoff Gas Storage Company, LLC.
Description: Wyckoff Gas Storage Co, LLC submits Second Sub Original Sheet No. 31 *et al.* to FERC Gas Tariff, Original Volume No. 1.
Filed Date: 05/22/2009.
Accession Number: 20090522–0104.
Comment Date: 5 p.m. Eastern Time on Friday, June 5, 2009.

Docket Numbers: RP09–466–002.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits Response Regarding its Collateral Requirements.
Filed Date: 05/29/2009.
Accession Number: 20090529–5114.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–515–001.
Applicants: Texas Gas Transmission, LLC.
Description: Explanation of Impact on Existing Contracts of Texas Gas Transmission, LLC.
Filed Date: 05/29/2009.
Accession Number: 20090529–5126.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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.

Nathaniel J. Davis, Sr.,
Deputy Secretary.
[FR Doc. E9–13391 Filed 6–8–09; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings—No. 1

June 2, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–615–000.
Applicants: Gulf States Transmission Corporation
Description: Gulf States Transmission Corporation submits Fifth Revised Sheet 3 to FERC Gas Tariff, Original Volume 1, to be effective 6/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0022.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–616–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits Fifth Revised Sheet 2 *et al.* to FERC Gas Tariff, Second Revised Volume 1, to be effective 7/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0021.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–617–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits Fourth Revised Sheet 10 *et al.* to FERC Gas Tariff, Original Volume 1, to be effective 7/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0020.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–619–000.
Applicants: Enbridge Pipelines (AlaTenn) LLC.
Description: Enbridge Pipelines (AlaTenn) LLC submits Fourth Revised Sheet 197 *et al.* to FERC Gas Tariff—Fourth Revised Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0091.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–620–000.
Applicants: Enbridge Offshore Pipelines (UTOS) LLC.
Description: Enbridge Offshore Pipelines (UTOS) LLC submits Fifth Revised Sheet 164 to FERC Gas Tariff—Fifth Revised Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0090.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–621–000.
Applicants: Nautilus Pipeline Company, LLC.
Description: Nautilus Pipeline Company LLC submits Ninth Revised Sheet 216 and Fifth Revised Sheet 217 to FERC Gas Tariff—Original Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090529–0089.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–626–000.
Applicants: KO Transmission Company.
Description: KO Transmission Company submits Eighth Revised Sheet 147 to FERC Gas Tariff, Original Volume 1, to be effective 8/1/09.
Filed Date: 05/28/2009.
Accession Number: 20090601–0096.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 9, 2009.

Docket Numbers: RP09–625–000.
Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company 2009 Fuel Sharing Refund Report.
Filed Date: 05/29/2009.
Accession Number: 20090529–5036.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–627–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, LP submits Fifth Revised Sheet No 10 *et al.* to FERC Gas Tariff, First Revised Volume No 1, to be effective 7/1/09.
Filed Date: 05/29/2009.
Accession Number: 20090529–0085.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–628–000.
Applicants: Equitrans, LP.
Description: Equitrans, LP submits Twenty Fourth Revised Sheet No 5 *et al.* to FERC Gas Tariff, Original Volume No 1, to be effective 7/1/09.
Filed Date: 05/29/2009.
Accession Number: 20090529–0084.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–633–000.
Applicants: Millennium Pipeline Company L.L.C.
Description: Millennium Pipeline Company, LLC submits First Revised Sheet No 0 *et al.* to its FERC Gas Tariff, Original Volume No 1, to be effective 7/1/09.
Filed Date: 05/29/2009.
Accession Number: 20090529–0108.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–634–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company Quarterly Lost, Unaccounted For and Other Fuel Gas Reimbursement Percentage of Colorado Interstate Gas Company.
Filed Date: 05/29/2009.
Accession Number: 20090529–5129.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–635–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits 128th Revised Sheet No 9 to its FERC Gas Tariff, Fourth Revised Volume No 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0152.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–636–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: Maritimes & Northeast Pipeline, LLC submits Fourth Revised Sheet No 294 to its FERC Gas Tariff, First Revised Volume No 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0157.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 10, 2009.

Docket Numbers: RP09–639–000.
Applicants: Kinder Morgan Illinois Pipeline LLC.
Description: Kinder Morgan Illinois Pipeline LLC submits First Revised Sheet No 225 *et al.* to its FERC Gas Tariff, Original Volume No 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0180.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–640–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits First Revised Sheet No 1300 *et al.* to its FERC Gas Tariff, Third Revised Volume No 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0179.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–641–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits First Revised Sheet No 300 *et al.* to its FERC Gas Tariff, Original Volume No 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0178.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–647–000.
Applicants: Panther Interstate Pipeline Energy, LLC.
Description: Panther Interstate Pipeline Energy, LLC submits Second Revised Sheet No 42 to its FERC Gas Tariff, Original Volume No 1 to be effective 7/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0177.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–648–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits Fifth Revised Sheet No 2400 *et al.* to its FERC Gas Tariff, Sixth Revised Volume No 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0176.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–650–000.
Applicants: Natural Gas Pipeline Co of America LLC.
Description: Natural Gas Pipeline Company of America LLC submits First Revised Sheet No 530 *et al.* to its FERC Gas Tariff, Seventh Revised Volume No 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0174.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Docket Numbers: RP09–652–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Kinder Morgan Louisiana Pipeline LLC submits First Revised Sheet No 242 *et al.* to its FERC Gas Tariff, Original Volume No 1 to be effective 8/1/09.
Filed Date: 06/01/2009.
Accession Number: 20090601–0175.
Comment Date: 5 p.m. Eastern Time on Monday, June 15, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's

eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–13393 Filed 6–8–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

June 2, 2009.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG09–47–000.
Applicants: Meadow Lake Wind Farm LLC.
Description: Notice of Self Certification of Exempt Wholesale Generator Status of Meadow Lake Wind Farm LLC.
Filed Date: 05/28/2009.
Accession Number: 20090528–5111.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: EG09–48–000.
Applicants: Meadow Lake Wind Farm II LLC.
Description: Notice of Self Certification of Exempt Wholesale Generator Status of Meadow Lake Wind Farm II LLC.
Filed Date: 05/28/2009.
Accession Number: 20090528–5117.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–3151–012.
Applicants: PSEG Energy Resources & Trade LLC.
Description: PSEG Energy Resources & Trade, LLC *et al.* submits Fourth Revised Sheet 3 to FERC Electric Tariff, Original Volume 1 in response to the FERC's 5/7/09 letter order.
Filed Date: 05/28/2009.
Accession Number: 20090601–0095.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER01–3001–023.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc.'s Summer Semi-Annual Reports.
Filed Date: 06/01/2009.
Accession Number: 20090601–5245.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Docket Numbers: ER07–195–012.
Applicants: Locust Ridge Wind Farm, LLC.
Description: Letter Notification of a Correction to Notice of Change in Status Submitted on December 5, 2008 by Locust Ridge Wind Farm, LLC.
Filed Date: 06/02/2009.
Accession Number: 20090602–5045.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 23, 2009.

Docket Numbers: ER07–771–003.
Applicants: E.ON U.S. LLC.
Description: Revised True-Up Filing of E.ON U.S. LLC.
Filed Date: 06/02/2009.
Accession Number: 20090602–5082.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 23, 2009.

Docket Numbers: ER08–314–002.
Applicants: Bicent (California) Malburg LLC.
Description: Bicent (California) Malburg, LLC submits First Revised Sheet 1 *et al.* to FERC Electric Tariff, Original Volume 1.
Filed Date: 05/28/2009.
Accession Number: 20090601–0081.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER08–1206–003; ER09–342–002.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits an executed Large Generator Interconnection Agreement for Network Integration Transmission Service etc.
Filed Date: 05/28/2009.
Accession Number: 20090528–0159.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER08–1574–004.
Applicants: ORNI 18, LLC.
Description: Notice of Non-Material Change in Status of ORNI 18, LLC.
Filed Date: 05/29/2009.
Accession Number: 20090529–5193.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–748–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits response to the FERC's 4/24/09 letter requesting additional information concerning revisions to its Open Access Transmission Tariff filing submitted on 2/24/09.
Filed Date: 05/26/2009.
Accession Number: 20090529–0005.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 16, 2009.

Docket Numbers: ER09–951–001.
Applicants: Xcel Energy Services Inc.
Description: Public Service Company of Colorado submits proposed revisions to the Joint OATT to modify the Tariff provisions submitted in the 4/2/09 filing to reflect the changes agreed to with the affected PSCo customers.
Filed Date: 05/29/2009.
Accession Number: 20090601–0099.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1084–001.
Applicants: Hermiston Power, LLC.
Description: Hermiston Power, LLC submits amended tariff sheet to correct typographical error inadvertently included in its 5/1/09 filing under ER09–1084.
Filed Date: 05/29/2009.
Accession Number: 20090601–0100.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1090–001.
Applicants: Twin Cities Energy, LLC.
Description: Twin Cities Energy, LLC submits Sub. First Revised Sheet 1 with the cities revised to conform to Order 697–A.
Filed Date: 05/27/2009.
Accession Number: 20090528–0157.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1091–001.
Applicants: Twin Cites Power LLC.
Description: TCP Cities Power, LLC submits Sub. Original Sheet 2 with the cities revised to conform to Order 697–A.
Filed Date: 05/27/2009.
Accession Number: 20090528–0156.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1099–001.
Applicants: Empire Generating Co, LLC.
Description: Empire Generating Co, LLC submits clean and redlined versions of its Tariff to clarify that it is a Category 2 Seller.
Filed Date: 05/27/2009.
Accession Number: 20090528–0158.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1193–000.
Applicants: Palmco Power CT, LLC.
Description: Palmco Power CT, LLC submits an amendment for the petition for acceptance of FERC Electric Tariff, Original Volume 1.
Filed Date: 05/27/2009.
Accession Number: 20090528–0064.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1202–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits an executed Large Generator Interconnection Agreement etc.
Filed Date: 05/27/2009.
Accession Number: 20090528–0155.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1203–000.
Applicants: Cheyenne Light Fuel & Power Company.
Description: Cheyenne Light, Fuel and Power Company submits its proposed Electric Rate Schedule FERC 4 under which CLFP will recover its costs of supplying Reactive Power and Voltage Control Services etc.
Filed Date: 05/27/2009.
Accession Number: 20090528–0154
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1204–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc submits notification on tariff implementation error and request for limited tariff waiver.
Filed Date: 05/27/2009.
Accession Number: 20090528–0153.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1205–000.
Applicants: Quntum Energy LLC.
Description: Quntum Energy LLC submits notice of cancellation.
Filed Date: 05/27/2009.
Accession Number: 20090528–0152.
Comment Date: 5 p.m. Eastern Time on Wednesday, June 17, 2009.

Docket Numbers: ER09–1207–000.
Applicants: P.H. Glatfelter Company.
Description: P.H. Glatfelter Co submits a Petition for Market-Based Rate Tariff, Waivers and Blanket Approvals under ER09–1207.
Filed Date: 05/29/2009.
Accession Number: 20090601–0216.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1208–000.
Applicants: Wisconsin Public Service Corporation.
Description: Wisconsin Public Service Corporation submits a revised Section 6 as set forth in Sheet 7 of its Rate Schedule 74, which is WPSC's Long-Term Power Sale and Purchase Agreement etc.
Filed Date: 05/28/2009.
Accession Number: 20090529–0099.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER09–1209–000.
Applicants: San Diego Gas & Electric Company.
Description: San Diego Gas & Electric Co's annual filing of revised costs and accurals for post-employment benefits other than pensions.
Filed Date: 05/28/2009.
Accession Number: 20090529–0103.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER09–1210–000.
Applicants: Wells Fargo Commodities, LLC.
Description: Wells Fargo Commodities, LLC submits Original Sheet 1 *et al.* to FERC Electric Tariff, Original Volume 1.
Filed Date: 05/28/2009.
Accession Number: 20090601–0082.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER09–1211–000.
Applicants: Wisconsin Public Service Corporation.
Description: Wisconsin Public Service Corporation submits FERC Electric Tariff, First Revised Volume 2 Service Agreement 19.
Filed Date: 05/28/2009.
Accession Number: 20090601–0078.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER09–1212–000.
Applicants: Southwest Power Pool Inc.
Description: Southwest Power Pool, Inc submits an executed Large Generator Interconnection Agreement with Southwestern Public Service Co.
Filed Date: 05/29/2009.
Accession Number: 20090601–0022.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1213–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits an executed Meter Agent Services Agreement between Southwestern Electric Power Co as the market participant and Southwestern Public Service Co etc.
Filed Date: 05/28/2009.
Accession Number: 20090601–0087.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER09–1215–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits Original Sheet 1 *et al.* to FERC Electric Tariff 7R11 Service Agreement 544.
Filed Date: 05/28/2009.
Accession Number: 20090601–0085.
Comment Date: 5 p.m. Eastern Time on Thursday, June 18, 2009.

Docket Numbers: ER09–1217–000.
Applicants: Argo Navis Fundamental Power Fund, LP.
Description: Argo Navis Fundamental Power Fund, LP submits First Revised Sheet 1 to FERC Electric Tariff, Original Volume 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0077.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1218–000.
Applicants: Carolina Power & Light Company.
Description: Progress Energy Carolinas, Inc submits revisions to its cost of service formula rate for network integration service and point to point service under their Open Access transmission Tariff.
Filed Date: 05/29/2009.
Accession Number: 20090601–0088.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1219–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits an executed Large Generator Interconnection Agreement with Oklahoma Gas and Electric Co *et al.*
Filed Date: 05/29/2009.
Accession Number: 20090601–0067.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1220–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest ISO submits proposed revisions to its Open Access Transmission, Energy and Operating Reserve Markets Tariff, to revise the Attachment L Credit Policy etc, to be effective 7/28/09.
Filed Date: 05/29/2009.
Accession Number: 20090601–0089.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1221–000.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits an executed Interconnection Service Agreement with Camden Plant Holding, LLC *et al.*
Filed Date: 05/29/2009.
Accession Number: 20090601–0068.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1222–000.
Applicants: New England Power Pool.
Description: The New England Power Pool submits Sheet 66 Second Restated Agreement *et al.*
Filed Date: 05/29/2009.
Accession Number: 20090601–0090.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1223–000.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits an executed Service Agreement for Network Integration Transmission Service with Kansas City Power & Light Co etc.
Filed Date: 05/29/2009.
Accession Number: 20090601–0069.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1224–000.
Applicants: Entergy Operating Companies.
Description: Entergy Operating Companies submits rates to implement the decision of the Commission as contained in Opinion 480 and 480–A.
Filed Date: 05/29/2009.
Accession Number: 20090601–0097.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1225–000.
Applicants: Potomac-Appalachian Transmission Highline, LLC.
Description: Potomac-Appalachian Transmission Highline, LLC submits revised tariff sheets to correct certain line references under the PATH formula rate to FERC Form No 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0103.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1226–000.
Applicants: Mohawk River Funding IV, LLC.
Description: Mohawk River Funding IV, LLC submits notice of cancellation to inform the Commission that it is proposing to cancel its FERC Electric Tariff, Second Revised Rate Schedule FERC No 1.
Filed Date: 05/29/2009.
Accession Number: 20090601–0102.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1227–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc *et al.* submit revised tariff sheets and ISOs supporting testimony of Shannon Hann.
Filed Date: 05/29/2009.
Accession Number: 20090601–0101.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1228–000.
Applicants: Florida Power Corporation.
Description: Florida Power Corp submits two sets of revisions to its cost-of-service formula rate for network integration service and point-to-point service.
Filed Date: 05/29/2009.
Accession Number: 20090601–0084.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1230–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits an executed service agreement for Firm Point-to-Point Transmission service with Kansas City Power & Light Co.
Filed Date: 05/29/2009.
Accession Number: 20090602–0006.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1231–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool submits Original Service Agreement 1797 to FERC Electric Tariff, 5R1.
Filed Date: 05/29/2009.
Accession Number: 20090602–0003.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1232–000.
Applicants: Holland Energy, LLC.
Description: Holland Energy, LLC submits notice cancelling their FERC Electric Tariff, Original Volume 1.
Filed Date: 05/29/2009.
Accession Number: 20090602–0001.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1233–000.
Applicants: Consolidated Edison Company of New York.
Description: Consolidated Edison Company of New York, Inc submits an amendment to their Delivery Service Rate Schedule 96.
Filed Date: 05/29/2009.
Accession Number: 20090602–0004.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1234–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool submits Original Service Agreement 1816 to FERC Electric Tariff, 5R1.
Filed Date: 06/01/2009.
Accession Number: 20090602–0005.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Docket Numbers: ER09–1235–000.
Applicants: Niagara Mohawk Power Corporation.
Description: National Grid submits Original Sheet 1 to FERC Electric Tariff, Original Volume 1, Rate Schedule FERC No. 317 to be effective 7/29/09.
Filed Date: 05/29/2009.
Accession Number: 20090602–0012.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1236–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool submits Original Service Agreement 1812 to FERC Electric Tariff, 5R1.
Filed Date: 05/29/2009.
Accession Number: 20090602–0008.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Docket Numbers: ER09–1237–000.
Applicants: New York Independent System Operator, Inc.
Description: Area Rapid Transit District etc under ER09–1241. New York Independent System Operator, Inc submits proposed revisions to its Market Administration and Control Area Services Tariff.
Filed Date: 06/01/2009.
Accession Number: 20090602–0010.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Docket Numbers: ER09–1238–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool Inc submits an executed service agreement for Firm Point-To-Point Transmission Service between SPP as Transmission Provider and Westar Energy, Inc as Transmission Customer.
Filed Date: 06/01/2009.
Accession Number: 20090602–0009.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Docket Numbers: ER09–1239–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc submits Notice of Termination and Consent to Termination of the Large Generator Interconnection Agreement among Wisconsin Power and Light Company *et al.*
Filed Date: 06/01/2009.
Accession Number: 20090602–0002.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Docket Numbers: ER09–1240–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc submits Notice of Termination and Consent to Termination of the Large Generator Interconnection Agreement among Wisconsin Power and Light Company *et al.*
Filed Date: 06/01/2009.
Accession Number: 20090602–0007.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Docket Numbers: ER09–1241–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits executed Modifications to Service Agreement 42 for Network Integration Transmission Service between PG&E and the San Francisco Bay Area Rapid Transit District etc.

Filed Date: 06/01/2009.
Accession Number: 20090602–0011.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES09–36–000.
Applicants: Upper Peninsula Power Company.
Description: Application of Upper Peninsula Power Company for Renewed Authorization to Issue Short-Term Debt.
Filed Date: 05/29/2009.
Accession Number: 20090529–5037.
Comment Date: 5 p.m. Eastern Time on Friday, June 19, 2009.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–18–001.
Applicants: Aquila, Inc.
Description: Supplement to Attachment L Compliance Filing of KCP&L Greater Missouri Operations Company.
Filed Date: 06/01/2009.
Accession Number: 20090601–5247.
Comment Date: 5 p.m. Eastern Time on Monday, June 22, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St, NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.
[FR Doc. E9–13389 Filed 6–8–09; 8:45 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2009–0089; FRL–8914–9]

Agency Information Collection Activities; Proposed Renewal of Information Collection; Comment Request; Agency Information Collection Activities Supporting the Second Cycle of Unregulated Contaminant Monitoring in Public Water Systems; EPA ICR No. 2192.03, OMB Control No. 2040–0270

AGENCY: Environmental Protection Agency.

ACTION: Notice and request for comments.

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 to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB) (OMB Control No. 2040–0270). This ICR is scheduled to expire on November 30, 2009. Before submitting the proposed information collection renewal to OMB for review and approval, EPA is requesting public comments on this submission, as described below.

DATES: Comments must be submitted on or before August 10, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2009–0089, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: OW–Docket@epa.gov.*
- *Mail:* Water Docket, United States Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. OW–2009–0089.
- *Hand Delivery:* Deliver your comments to Water Docket, EPA Docket Center, Environmental Protection Agency, Room B102, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. OW–2009–0089. 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–OW–2009–0089. 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. Please contact EPA prior to submitting CBI. 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: David J. Munch, Technical Support Center, Office of Ground Water and

Drinking Water, United States Environmental Protection Agency, Office of Water, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268, telephone (513) 569–7843; e-mail address *munch.dave@epa.gov.* For general information, contact the Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426–4791. The Hotline is open Monday through Friday, excluding legal holidays, from 10 a.m. to 4 p.m., eastern time.

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–OW–2009–0089, which is available for online viewing at *www.regulations.gov*, or in-person viewing at the Water Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. This Public Reading Room is open from 8:30 a.m. to 4:30 p.m., eastern time, Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the Water Docket is (202) 566–2426.

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 Paperwork Reduction Act (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?

Affected entities: Entities potentially affected by this action are Public Water Systems (PWSs). States, Territories, and Tribes with primacy to administer the regulatory program for PWSs under the Safe Drinking Water Act (SDWA) may participate in implementation of the second Unregulated Contaminant Monitoring Regulation (UCMR 2) through a Partnership Agreement (PA). These primacy agencies may sometimes conduct monitoring and maintain records. The North American Industry Classification System (NAICS) code for PWSs is 221310. The NAICS codes for State agencies that include drinking water programs are 924110 (Administration of Air and Water Resources and Solid Waste Management Programs) and 923120 (Administration of Public Health Programs).

Title: Agency Information Collection Activities Supporting the Second Cycle of Unregulated Contaminant Monitoring in Public Water Systems

ICR numbers: EPA ICR No. 2192.03, OMB Control No. 2040–0270.

ICR status: This ICR is currently scheduled to expire on November 30, 2009. 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, 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 Safe Drinking Water Act (SDWA), as amended in 1996, directs EPA to establish criteria for a program to monitor not more than 30 unregulated contaminants every five years. EPA published the first group of contaminants in the Unregulated Contaminant Monitoring Regulation (i.e., UCMR 1), which established a revised approach for UCMR implementation, in the **Federal Register** dated September 17, 1999 (64 FR 50556). EPA published the second group of contaminants in UCMR 2, in the **Federal Register** dated January 4, 2007 (72 FR 367). This regulation met the SDWA requirement by identifying 25 new priority contaminants to be monitored during the UCMR 2 cycle of 2007–2011.

Under UCMR 2, Assessment Monitoring uses more common analytical method technologies used by drinking water laboratories. All PWSs serving more than 10,000 people, and 800 representative PWSs serving fewer than 10,001 people are required to monitor for the 10 ''List 1'' contaminants during a 12-month period between January 2008–December 2010. Screening Survey monitoring uses more specialized analytical method technologies not commonly used by drinking water laboratories. All PWSs serving more than 100,000 people, 320 representative PWSs serving 10,001–100,000 people, and 480 representative PWSs serving fewer than 10,001 people are required to monitor for the 15 ''List 2'' contaminants during a 12-month period between January 2008–December 2010.

This notice proposes renewal of the currently approved UCMR 2 ICR (OMB Control No. 2040–0270), which covers the period of 2007–2009. This ICR renewal will account for activities conducted during 2010–2012. Note that the complete five-year UCMR 2 cycle of 2007–2011 overlaps with the applicable ICR renewal period only during 2010 and 2011. Public water systems will only be involved in active monitoring during 2010 (i.e., one-third of this ICR period).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.9 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR supporting statement provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 1,694 (1,638 public water systems and 56 State primacy agencies).

Frequency of response: 1 response per year.

Estimated total average number of responses for each respondent: 3.

Estimated total annual burden hours: 9,761.

Estimated average number of burden hours per response: 1.9.

Estimated total annual costs: $3,250,616. This includes an estimated burden cost of $387,096 and an estimated cost of $2,863,520 for analytical costs.

Small systems (those serving 10,000 or fewer) that are selected for UCMR 2 monitoring will sample an average of 2.7 times per system (i.e., number of responses per system) across the three-year ICR renewal period of 2010–2012. The average total burden per response for small systems is estimated to be 1.8 hours. Large systems (those serving 10,001 to 100,000) and very large systems (those serving more than 100,000) will sample and report an average of 3.1 and 3.6 times per system, respectively, across the three-year ICR period of 2010–2012. The average total burdens per response for large and very large systems are estimated to be 3.8 and 8.7 hours, respectively. The larger burden per response for the very large systems reflects the fact that these systems typically have more sampling locations than large systems. States are assumed to incur 2 responses over the three-year ICR period related to coordination with EPA and systems, with an average burden per response of 95.2 hours. In aggregate, during the ICR period of 2010–2012, the average response (e.g., responses from systems and States) is associated with a total burden of 5.8 hours, with a labor plus non-labor cost of $1,939 per response.

The annual average per respondent burden hours and costs for the ICR period of 2010–2012 are: small systems—1.6 hour burden at $44 for labor; large systems—3.8 hours at $114 for labor, and $1,747 for analytical costs; very large systems—10.4 hours at $369 for labor, and $7,260 for analytical costs; and States—63.5 hours at $3,499 for labor. Annual average burden and cost per respondent (including both systems and States) is estimated to be 5.8 hours, with a labor plus non-labor cost of $1,919 per respondent (note that small systems do not pay for testing costs, so they only incur labor costs). The total annual burden for the ICR reporting period of 2010–2012 is 9,761 hours (with a labor cost of $387,096); the total annual analytical cost is $2.86 million.

Are There Changes in the Estimates From the Last Approval?

The renewal of this ICR will result in an overall decrease of 91,875 hours in the total estimated respondent burden identified in the currently approved ICR (OMB Control No. 2040–0270). The complete five-year UCMR 2 cycle of 2007–2011 overlaps with the applicable ICR renewal period only during 2010 and 2011. Moreover, public water systems will only be involved in active monitoring during 2010 (i.e., one-third of this ICR period). Thus, the reasons that respondents to UCMR 2 will incur a different burden during this second ICR period of 2010–2012, than during the first UCMR 2 ICR period of 2007–2009 include:

- *Fewer PWSs participating during this ICR period:* UCMR 2 monitoring takes place from 2008–2010, with approximately ⅓ of systems participating in each of those three years. Thus, during the first ICR period of 2007–2009, approximately ⅔ of participating systems (~ 3,275 systems) have completed their required monitoring, and during the second ICR period of 2010–2012, the remaining ⅓ (~ 1,638 systems) will complete their required monitoring.
- *Schedule of activities for PWSs different during this ICR period:* Some initial activities were conducted by all systems during 2007 (or prior to monitoring), including reading regulations, and reporting prior to monitoring (contact and sampling location information, and proposals to reduce the number of required monitoring locations). Thus, there are some PWS activities that took place during the first UCMR 2 ICR period of 2007–2009, that will not take place during the second ICR period of 2010–2012.
- *Schedule of activities also different for participating States and EPA:* Management and support activities for States and EPA also vary with the UCMR 2 monitoring schedule. Thus, both States and EPA are expected to have different burdens during this second UCMR 2 ICR period of 2010–2012.

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: June 1, 2009.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. E9–13490 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8914–2; Docket ID No. EPA–HQ–ORD–2009–0210]

Draft Toxicological Review of 1,4-Dioxane: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Listening Session and Peer Review Workshop.

SUMMARY: EPA is announcing a listening session to be held on Monday, July 6, 2009, during the public comment period for the external review draft document titled, ''Toxicological Review of 1,4-Dioxane: In Support of Summary Information on the Integrated Risk Information System (IRIS)'' (EPA/635/R–09/005). EPA is also announcing that Versar, Inc., an EPA contractor for external scientific peer review, will convene an independent panel of

experts and organize and conduct an external peer review workshop to review the external review draft titled, ''Toxicological Review of 1,4-Dioxane: In Support of Summary Information on the Integrated Risk Information System (IRIS) (EPA/635/R–09/005).'' The public may also attend this workshop as observers through a registration process, and time will be set aside for observers to give brief oral comments at the workshop regarding the draft document under review. EPA will consider public comments and recommendations from the expert panel workshop as EPA finalizes the draft document.

EPA previously announced the 60-day public comment period (ending July 6, 2009) for the draft document in the **Federal Register** on May 7, 2009 (74 FR 21361). The public comment period and the external peer review workshop are separate processes that provide opportunities for all interested parties to comment on the document. EPA intends to forward public comments submitted in accordance with the aforementioned FR notice (May 7, 2009) to Versar, Inc. for consideration by the external peer review panel prior to the workshop. Listening session participants who wish to have their comments available to the external peer reviewers should also submit written comments during the public comment period using the detailed and established procedures included in the aforementioned FR notice (May 7, 2009). Comments submitted to the docket prior to the end of the public comment period will be submitted to the external peer reviewers and considered by EPA in the disposition of public comments. Comments received in the docket after the public comment period closes will not be submitted to the external peer reviewers. Public comments submitted during the 60-day public comment period ending July 6, 2009, may be observed at *http://www.regulations.gov* under Docket ID no. EPA–HQ–ORD–2009–0210. EPA intends to consider the comments and recommendations from the listening session, the external peer review workshop, and any public comments that EPA receives in accordance with the May 7, 2009, **Federal Register** notice (74 FR 21361).

EPA released this draft document as stated in the **Federal Register** notice (74 FR21361) solely for the purpose of pre-dissemination public review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

The EPA's draft assessment and peer review charge are available via the Internet on the National Center for Environmental Assessment's (NCEA) home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea*.

DATES: The listening session on the draft IRIS health assessment for 1,4-dioxane will be held on Monday, June 22, 2009, beginning at 9 a.m. and ending at 4 p.m., Eastern Daylight Time. If you wish to make a presentation at the listening session, you should register by Monday, June 15, 2009, and indicate that you wish to make oral comments at the session, and indicate the length of your presentation. At the time of your registration, please indicate if you require audio-visual aid (*e.g.,* lap top and slide projector). In general, each presentation should be no more than 30 minutes. If, however, there are more requests for presentations than the allotted time will allow, then the time limit for each presentation will be adjusted accordingly. A copy of the agenda for the listening session will be available at the meeting. If no speakers have registered by Monday, June 15, 2009, the listening session will be cancelled. EPA will notify those registered to attend of the cancellation.

The peer review workshop will begin on Monday, August 17, 2009, at approximately 8:30 a.m. and end at approximately 5 p.m., Eastern Standard Time. To attend the workshop, observers must register by Monday, August 10, 2009, according to the procedures outlined below. At the time of registration, please indicate if you wish to make brief oral comments at the workshop.

The public comment period for review of this draft assessment was announced previously in the **Federal Register** (74 FR 21361) on May 7, 2009. As stated in that FR notice, the public comment period began on May 7, 2009, and ends July 6, 2009. Any technical comments submitted during the public comment period should be in writing and must be received by EPA by July 6, 2009. Only those public comments submitted using the procedures identified in the May 7, 2009, FR notice by the July 6, 2009, deadline will be provided to the independent peer review panel prior to the peer review meeting.

ADDRESSES: The listening session on the draft 1,4-dioxane assessment will be held at the EPA offices at Two Potomac Yard (North Building), 7th Floor, Room 7100, 2733 South Crystal Drive, Arlington, Virginia 22202. To attend the listening session, register by Monday, June 15, 2009, via the Internet at *http://epa.versar.com/14dioxane/listening*. You may also register via e-mail: *ssarraino@versar.com* (subject line: 1,4-Dioxane Listening Session), by phone: (703) 750–3000, ext. 316 or toll free at 1–800–2–VERSAR (1–800–283–7727, ask for the 1,4-Dioxane listening session coordinator, Stephanie Sarraino), or by faxing a registration request to (703) 642–6954 (please reference the ''1,4-Dioxane Listening Session'' and include your name, title, affiliation, full address and contact information). Please note that to gain entrance to this EPA building to attend the meeting, attendees must have photo identification with them and must register at the guard's desk in the lobby. The guard will retain your photo identification and will provide you with a visitor's badge. At the guard's desk, attendees should give the name Christine Ross and the telephone number, 703–347–8592, to the guard on duty. The guard will contact Ms. Ross who will meet you in the reception area to escort you to the meeting room. Upon your exit from the building please return your visitor's badge and you will receive the photo identification that you provided.

For the listening session, a teleconference line will also be available for registered attendees/speakers. The teleconference number is 1–866–299–3188 and the access code is 9195410661, followed by the pound sign (#). The teleconference line will be activated at 8:45 a.m., and you will be asked to identify yourself and your affiliation at the beginning of the call.

The peer review workshop will be held at Courtyard Arlington Crystal City/Reagan National Airport, 2899 Jefferson Davis Highway, Arlington, VA 22202. Versar, Inc. is organizing, convening, and conducting the peer review workshop. To attend the workshop as an observer, register by Monday, August 10, 2009, via Internet at *http://epa.versar.com/14dioxane/meeting.* You may also register by e-mail: *ssarraino@versar.com* (subject line: 1,4-Dioxane Workshop), by phone: (703) 750–3000, ext. 316 or toll free at 1–800–2–VERSAR (1–800–283–7727, ask for the 1,4-Dioxane peer review workshop coordinator, Stephanie Sarraino), or by faxing a registration request to (703) 642–6954 (please reference the ''1,4-Dioxane Workshop'' and include your name, title, affiliation, full address, and contact information).

Information on Services for Individuals with Disabilities: EPA welcomes the attendance of the public at the ''1,4-Dioxane Listening Session'' and at the 1,4-dioxane peer review

workshop and will make every effort to accommodate persons with disabilities. Please submit your request for accommodation of a disability at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

For information on access or services for individuals with disabilities at the listening session, please contact Christine Ross at 703–347–8592 or *ross.christine@epa.gov.*

For information on access or services for individuals with disabilities at the peer review workshop, please contact Versar, Inc., 6850 Versar Center, Springfield, VA 22151; telephone: (703) 750–3000; facsimile: (703) 642–6954; or e-mail: *ssarraino@versar.com* (subject line: 1,4-Dioxane Workshop).

FOR FURTHER INFORMATION CONTACT: For information on the public listening session, please contact Christine Ross, IRIS Staff, National Center for Environmental Assessment (NCEA), (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8592; facsimile: 703–347–8689; or e-mail: *ross.christine@epa.gov.*

For information on the peer review workshop, contact Versar, Inc. 6850 Versar Center, Springfield, VA 22151; telephone: (703) 750–3000; facsimile: (703) 642–6954; or e-mail: *ssarraino@versar.com* (subject line: 1,4-Dioxane Workshop).

If you have questions about the draft document, contact Eva D. McLanahan, Hazardous Pollutant Assessment Group (HPAG) Staff, NCEA, U.S. EPA, 109 T.W. Alexander Drive, B243–01, Durham, NC 27711; telephone: 919–541–1396; facsimile: 919–541–0245; or e-mail: *mclanahan.eva@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Information About the Integrated Risk Information System (IRIS)

IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at *http://www.epa.gov/iris*) contains qualitative and quantitative health effects information for more than 540 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with the specific exposure information, government and private entities can use IRIS data to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

II. Listening Session Information

The purpose of the listening session is to allow all interested parties to present scientific and technical comments on draft IRIS health assessments to EPA and other interested parties during the public comment period and prior to the external peer review workshop. EPA welcomes the scientific and technical comments that will be provided to the Agency by the listening session participants. The comments will be considered by the Agency as it revises the draft assessment in response to the independent external peer review and public comments. All presentations will become part of the official and public record.

III. Workshop Information

Members of the public may attend the workshop as observers, and there will be a limited time for oral comments from the public. Pre-registration is strongly recommended as space is limited, and registrations will be accepted on a first-come, first-served basis. The deadline for pre-registration is August 10, 2009. If space allows, registrations will continue to be accepted after this date, including on-site registrations. Time will be set aside to hear comments from observers, and individuals will be limited to a maximum of five minutes. Please let Versar, Inc. know if you wish to make comments during the workshop by registering as detailed in this FR notice and indicating your intent to make oral comments.

Dated: May 29, 2009.

Rebecca Clark,

Director, National Center for Environmental Assessment.

[FR Doc. E9–13478 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8914–6]

Science Advisory Board Staff Office; Notification of an Upcoming Meeting of the Science Advisory Board Committee on EPA's Report on the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Advisory Committee on EPA's Report on the Environment. The Committee will conduct a consultation on proposed approaches to developing future versions of EPA's Report on the Environment.

DATES: The meeting dates are Tuesday, June 30, 2009 from 9 a.m. to 5 p.m. (Eastern Time) and Wednesday, July 1, 2009 from 8:30 a.m. to 12 noon. (Eastern Time).

ADDRESSES: The meeting will be held at the SAB Conference Center, 1025 F Street, NW., Room 3705, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information about this meeting must contact Dr. Thomas Armitage, Designated Federal Officer (DFO). Dr. Armitage may be contacted at the EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail (202) 343–9995; fax (202) 233–0643; or e-mail at: *armitage.thomas@epa.gov.* Any inquiry regarding future development of EPA's Report on the Environment should be directed to Dr. Denice Shaw of EPA's National Center for Environmental Assessment at *shaw.denice@epa.gov* or (703) 347–8628. General information about the EPA SAB, as well as any updates concerning the meeting announced in this notice, may be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the SAB Advisory Committee on EPA's Report on the Environment will hold a public meeting to provide consultative comment on proposed approaches to developing future versions of EPA's Report on the Environment (ROE). The SAB was established by 42 U.S.C. 4365 to provide

independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: In May 2008, EPA published its Report on the Environment (hereinafter referred to as ROE 2008). This report is available on the EPA Office of Research and Development Web site at *http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=190806*. In the ROE 2008, EPA presented environmental and human health indicator information to represent the status of and trends in the condition of the Nation's environment. EPA intends to use the ROE to: (1) Inform strategic planning, priority setting, and decision making across the Agency, and (2) provide information to enable the public to assess whether EPA is succeeding in its overall mission to protect human health and the environment. Individual chapters in the ROE 2008 provide information on the condition of air, water, and land environments. Two other chapters focus on human health and ecological condition.

The SAB reviewed previous drafts of the ROE dated 2003 and 2007. The findings and recommendations of these SAB reviews are available on the SAB Web site at *http://www.epa.gov/sab* (see reports EPA–SAB–05–004 and EPA–SAB–08–007). Many SAB comments were incorporated into the ROE 2008, and EPA expects to modify future editions of the ROE based on the long-term recommendations provided by the SAB in its review of the draft ROE 2007. EPA also intends to more directly align information in future editions of the ROE with the goals and objectives in the Agency's Strategic Plan. Therefore, EPA's Office of Research and Development has requested that the SAB provide additional advice over the next few years on how to: (1) Address previous SAB recommendations to improve future editions of the ROE, and (2) make the ROE more useful to the Agency in informing planning and decision making and providing information to the public. To provide this additional advice, the SAB Staff Office formed the *ad hoc* SAB Advisory Committee on EPA's Report on the Environment. The purpose of the upcoming meeting of this Committee is to provide consultative advice on a white paper that addresses restructuring the ROE in response to previous SAB comments and recommendations. Background information on the process of forming the SAB Advisory Committee on EPA's Report on the Environment was provided in a **Federal Register** Notice published on July 23, 2008 (73 FR 42801–42802). The roster and biosketches of Committee members are posted on the SAB Web site at *http://www.epa.gov/sab*.

Availability of Meeting Materials: An EPA discussion paper along with the meeting agenda, charge to the SAB Committee, and other meeting material will be posted on the SAB Web site at *https://www.epa.gov/sab* in advance of the meeting.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information on the topic of this advisory activity, and/or the group conducting the activity, for the SAB to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes per speaker, with no more than a total of one hour for all speakers. Interested parties should contact Dr. Armitage, DFO, in writing (preferably via e-mail) at the contact information noted above by June 23, 2009 to be placed on a list of public speakers for the meeting. *Written Statements:* Written statements should be received in the SAB Staff Office by June 23, 2009 so that the information may be made available to the SAB Committee members for their consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format). Submitters are requested to provide two versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Armitage at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: June 2, 2009.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. E9–13477 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8915–3]

Farm, Ranch, and Rural Communities Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92–463, EPA gives notice of a meeting of the Farm, Ranch, and Rural Communities Committee (FRRCC). The purpose of the FRRCC is to provide advice to the Administrator of EPA on environmental issues and programs that impact, or are of concern to, farms, ranches, and rural communities. The FRRCC is a part of EPA's efforts to expand cooperative working relationships with the agriculture industry and others who are interested in agricultural issues to achieve greater progress in environmental protection.

The purpose of this teleconference is for the FRRCC to discuss and approve its draft advice letters pertaining to livestock and poultry to the EPA, and other issues that are of concern to farms, ranches, and rural communities. A copy of the meeting agenda will be posted at *http://www.epa.gov/ocem/frrcc.*

DATES: FRRCC will hold a public teleconference on Monday, July 13, 2009, from 1 p.m.–3 p.m. Eastern Daylight Time.

ADDRESSES: The meeting will be held in the U.S. EPA East Building, 1201 Constitution Ave, NW., Room 1132, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Alicia Kaiser, Designated Federal Officer, *kaiser.alicia@epa.gov,* 202–564–7273, U.S. EPA, Office of the Administrator (1101A), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, or Christopher Ashcraft, Junior Designated Federal Officer, *ashcraft.christopher@epa.gov,* 202–564–2432, U.S. EPA, Office of the Administrator (1601M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to the FRRCC should be sent to Alicia Kaiser, Designated Federal Officer, at the contact information above by Monday, July 6, 2009. The public is welcome to attend all portions of the meeting, but seating is limited and is allocated on a first-come, first-serve basis. Members of the public wishing to gain access to the teleconference must contact Alicia

Kaiser at (202) 564–7273 or *kaiser.alicia@epa.gov* by July 6, 2009.

Meeting Access: For information on access or services for individuals with disabilities, please contact Alicia Kaiser at 202–564–7273 or *kaiser.alicia@epa.gov.* To request accommodation of a disability, please contact Alicia Kaiser, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: June 1, 2009.

Alicia Kaiser,

Designated Federal Officer.

FR Doc. E9–13489 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8915–2]

Request for Nominations to the National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency.

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is inviting nominations from a diverse range of qualified candidates to be considered for appointment to fill vacancies on the National Advisory Committee (NAC) and the Governmental Advisory Committee (GAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC). Vacancies on these two committees are expected to be filled by fall 2009. We encourage nominations to be submitted as soon as possible. Additional sources may be utilized in the solicitation of nominees.

SUPPLEMENTARY INFORMATION: The National Advisory Committee and the Governmental Advisory Committee advise the EPA Administrator in her capacity as the U.S. Representative to the CEC Council. The committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), the North American Free Trade Agreement (NAFTA) Implementation Act, Public Law 103–182, and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The committees are responsible for providing advice to the United States Representative on a wide range of strategic, scientific, technological, regulatory and economic issues related to implementation and further elaboration of the NAAEC. The National Advisory Committee consists of 12 representatives from environmental non-profit groups, business and industry, and educational institutions. The Governmental Advisory Committee consists of 12 representatives from State, local, and tribal governments. Members are appointed by the EPA Administrator for a two-year term. The committees usually meet 3 times per year and the average workload for committee members is approximately 10 to 15 hours per month. Members serve on the committees in a voluntary capacity. However, EPA provides reimbursement for travel expenses associated with official government business. Nominees will be considered according to the mandates of the Federal Advisory Committee Act, which requires committees to maintain diversity across a broad range of constituencies, sectors, and groups. The following criteria will be used to evaluate nominees:

- Extensive professional knowledge of the subjects examined by the committees, including trade and environment issues, the NAFTA, the NAAEC, and the CEC.
- Represent a sector or group involved in trilateral environmental policy issues.
- Senior-level experience in the sectors represented on both committees.
- A demonstrated ability to work in a consensus building process with a wide range of representatives from diverse constituencies.

Nominations must include: (1) Cover letter, (2) resume describing the professional and educational qualifications of the nominee, (3) the nominee's current business address, e-mail address and daytime telephone number. Interested candidates may self nominate.

ADDRESSES: Submit nominations to: Oscar Carrillo, Designated Federal Officer, Office of Cooperative Environmental Management, U.S. Environmental Protection Agency (1601–M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, U.S. Environmental Protection Agency (1601–M), Washington, DC 20460; telephone (202) 564–0347; fax (202) 564–8129; e-mail *carrillo.oscar@epa.gov.*

Dated: June 1, 2009.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. E9–13488 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8914–1; Docket ID No. EPA–HQ–ORD–2009–0178]

Draft Toxicological Review of Pentachlorophenol: In Support of the Summary Information in the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of listening session.

SUMMARY: EPA is announcing a listening session to be held on June 24, 2009, during the public comment period for the external review draft document entitled, ''Toxicological Review of Pentachlorophenol: In Support of Summary Information on the Integrated Risk Information System (IRIS).'' The EPA's draft assessment and peer review charge are available via the Internet on the National Center for Environmental Assessment's (NCEA) home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.*

DATES: The listening session on the draft IRIS health assessment for pentachlorophenol will be held on June 24, 2009, beginning at 1 p.m. and ending at 4 p.m., Eastern Daylight Time. If you wish to make a presentation at the listening session, you should register by June 17, 2009, and indicate that you wish to make oral comments at the session, and indicate the length of your presentation. At the time of your registration, please indicate if you require audio-visual aid (*e.g.,* lap top and slide projector). In general, each presentation should be no more than 30 minutes. If, however, there are more requests for presentations than the allotted time will allow, then the time limit for each presentation will be adjusted accordingly. A copy of the agenda for the listening session will be available at the meeting. If no speakers have registered by June 17, 2009, the listening session will be cancelled. EPA will notify those registered to attend of the cancellation.

The public comment period for review of this draft assessment was announced previously in the **Federal Register** (FR) (74 FR 21362) on May 7, 2009. As stated in that FR notice, the public comment period began on May 7, 2009, and ends July 6, 2009. Any technical comments submitted during

the public comment period should be in writing and must be received by EPA by July 6, 2009, according to the procedures outlined below. Only those public comments submitted using the procedures identified in the May 7, 2009 FR notice by the July 6, 2009 deadline will be provided to the independent peer-review panel prior to the peer-review meeting. The date and logistics for the peer-review meeting will be announced later in a separate FR notice.

Listening session participants who wish to have their comments available to the external peer reviewers should also submit written comments during the public comment period using the detailed and established procedures included in the aforementioned FR notice (May 7, 2009). Comments submitted to the docket prior to the end of the public comment period will be submitted to the external peer reviewers and considered by EPA in the disposition of public comments. Comments received in the docket after the public comment period closes must still be submitted to the docket but will not be submitted to the external peer reviewers.

ADDRESSES: The listening session on the draft pentachlorophenol assessment will be held at the EPA offices at Two Potomac Yard (North Building), 7th Floor, Room 7100, 2733 South Crystal Drive, Arlington, Virginia 22202. To attend the listening session, register by June 17, 2009, via e-mail at *ssarraino@versar.com* (subject line: Pentachlorophenol listening session), by phone: 703–750–3000 x. 316, or by faxing a registration request to 703–642–6954 (please reference the ''Pentachlorophenol Listening Session'' and include your name, title, affiliation, full address and contact information). Please note that to gain entrance to this EPA building to attend the meeting, attendees must have photo identification with them and must register at the guard's desk in the lobby. The guard will retain your photo identification and will provide you with a visitor's badge. At the guard's desk, attendees should give the name Christine Ross and the telephone number, 703–347–8592, to the guard on duty. The guard will contact Ms. Ross who will meet you in the reception area to escort you to the meeting room. Upon your exit from the building please return your visitor's badge and you will receive the photo identification that you provided.

A teleconference line will also be available for registered attendees/speakers. The teleconference number is 866–299–3188 and the access code is 7033478503, followed by the pound sign (#). The teleconference line will be activated at 12:45 p.m., and you will be asked to identify yourself and your affiliation at the beginning of the call.

Information on Services for Individuals with Disabilities: EPA welcomes the attendance of the public at the ''Pentachlorophenol Listening Session'' and will make every effort to accommodate persons with disabilities. For information on access or services for individuals with disabilities, please contact Christine Ross at 703–347–8592 or *ross.christine@epa.gov.* To request accommodation of a disability, please contact Ms. Ross, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

FOR FURTHER INFORMATION CONTACT: For information on the public listening sessions, please contact Christine Ross, IRIS Staff, National Center for Environmental Assessment, (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8592; facsimile: 703–347–8689; or e-mail: *ross.christine@epa.gov.* If you have questions about the draft pentachlorophenol assessment, contact Catherine Gibbons, IRIS Staff, National Center for Environmental Assessment, (8601P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–603–0704; facsimile: 703–347–8689; or e-mail: *gibbons.catherine@epa.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the listening session is to allow all interested parties to present scientific and technical comments on draft IRIS health assessments to EPA and other interested parties during the public comment period and prior to the external peer review meeting. EPA welcomes the scientific and technical comments that will be provided to the Agency by the listening session participants. The comments will be considered by the Agency as it revises the draft assessment in response to the independent external peer review and public comments. All presentations will become part of the official and public record. IRIS is a database that contains potential adverse human health effects information that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at *http://www.epa.gov/iris*) contains qualitative and quantitative health effects information for more than 540 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of a risk assessment process. When supported by available data, the database provided oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities can use IRIS data to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

Dated: May 29, 2009.

Rebecca M. Clark,

Director, National Center for Environmental Assessment.

[FR Doc. E9–13484 Filed 6–8–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 09–64; DA 09–1096]

Wireless Telecommunications Bureau Seeks Comment on Petition of Denali Spectrum License Sub, LLC for Forbearance From Unjust Enrichment Provisions

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document seeks comments on the Petition filed by Denali Spectrum License Sub, LLC (Denali) on March 12, 2009. Denali asks the Commission to forbear from applying the unjust enrichment provisions of the Commission's competitive bidding rules.

DATES: Comments are due on or before June 18, 2009, and reply comments are due on or before July 6, 2009.

ADDRESSES: Comments and reply comments must be identified by WT Docket No. 09–64. Comments may be filed electronically using the Internet by accessing the Federal Communications Commission's Electronic Comment Filing System (ECFS) at *http://www.fcc.gov/cgb/ecfs.* Filers should follow the instructions provided on the Web site for submitting comments. For further help filing electronically, see *Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998). In addition, comments and reply comments may be submitted by any of the following methods:

- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by

commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Bureaus continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission. Instructions for filing paper copies can be found at *http://www.fcc.gov/osec/guidelines.html* or by calling the Office of the Secretary at 202–418–0300.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov or telephone:* 202–418–0530 or TTY: 202–418–0432.

Commenters must also send a copy to Best Copy and Printing, Inc., 445 12th St., SW., Suite CY–B402, Washington, DC 20554, by telephone at 800–378–3160 or 202–488–5300, fax at 202–488–5563, or e-mail at *fcc@bcpiweb.com.*

FOR FURTHER INFORMATION CONTACT: *Wireless Telecommunications Bureau, Auctions and Spectrum Access Division,* Scott Mackoul at 202–418–7498. All press inquires should be directed to Matthew Nodine at 202–418–1646.

SUPPLEMENTARY INFORMATION:

1. The Commission has adopted unjust enrichment rules, which require a designated entity (DE) that has benefited from bidding credits to return some or all of those benefits if it transfers its license to a non-DE or otherwise loses its eligibility for such benefits. In 2006, the Commission revised its unjust enrichment rules, extending from five years to ten years the period during which a DE will have to repay some or all of its bidding credits if it loses eligibility for those benefits. Section 1.2111(d)(2)(i) of the Commission's rules, 47 CFR 1.2111(d)(2)(i), provides a prorated schedule for licensees that lose their eligibility for a bidding credit and were initially granted their licenses after April 25, 2006, to repay that biding credit.

2. Denali asks that the Commission forbear from applying 47 CFR 1.2111(d)(2)(i) to it in light of the prevailing economic conditions, Denali's need for additional capital to fund network deployment, and the opportunity for Denali to create jobs and extend its state-of-the-art network to under-served low income and other segments of the population. Denali asserts that forbearance from applying the unjust enrichment provisions would be consistent with recent Federal initiatives intended to stimulate the national economy and promote investment. Denali also states that as a condition on the grant of its forbearance request, it will adhere to the less stringent unjust enrichment provisions that apply to licenses granted prior to April 25, 2006.

3. The Wireless Telecommunications Bureau seeks comment on Denali's Petition. Interested parties may file comments on or before June 18, 2009, and reply comments on or before July 6, 2009.

4. Denali's Petition will be available online through ECFS, in the Commission's Public Reference Center, and from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street, SW., Room CY–B402, Washington, DC 20554, by telephone at 800–378–3160 or 202–488–5300, fax at 202–488–5563, or e-mail at *fcc@bcpiweb.com.*

5. This matter shall be treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. E9–13427 Filed 6–8–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY: *Background.* Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Acting Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. *Report Title:* Studies To Develop and Test Consumer Regulatory Disclosures.

Agency Form Number: FR 1380.

OMB Control Number: 7100–0312.

Frequency: Consumer surveys: qualitative testing, 4; quantitative testing, 4; Institution or Stakeholder surveys: qualitative survey, 50; quantitative survey, 2.

Reporters: Consumers, financial institutions, or stakeholders that engage in consumer lending and provide other financial products and services.

Estimated Annual Reporting Hours: 20,884 hours.

Estimated Average Hours per Response: Consumer surveys: qualitative testing, 2 hours; quantitative testing, 0.33 hours; and Institution or Stakeholder surveys: qualitative survey, 10 hours; quantitative survey, 15 hours.

Estimated Number of Respondents: Consumer surveys: qualitative testing, 225; quantitative testing, 1,200; and Institution or Stakeholder surveys: qualitative survey, 20; quantitative survey, 250.

General Description of Report: This information collection is authorized pursuant to the: Home Mortgage Act, Section 806 (12 U.S.C. 2804(a)); Community Reinvestment Act, Section 806 (12 U.S.C. 2905); Competitive Equality Banking Act, Section 1204 (12 U.S.C. 3806) (adjustable rate mortgage caps); Expedited Funds Availability Act, Section 609 (12 U.S.C. 4008); Truth in Saving Act, Section 269 (12 U.S.C. 4308); Federal Trade Commission Act, Section 18(f) (15 U.S.C. 57a(f)); Truth in Lending Act, Section 105 (15 U.S.C. 1604); Mortgage Disclosure Improvement Act, Sections 2501 through 2503 of the Housing and Economic Recovery Act of 2008 (15 U.S.C. 1638(b)(2)) (early disclosures for home refinance loans and home equity loans) Higher Education Opportunity Act of 2008, Section 1021(a) (15 U.S.C. 1638(e)(5)) (private student loan disclosures), Fair Credit Reporting Act, Section 621 (15 U.S.C. 1681s(e)); Equal Credit Opportunity Act, Section 703 (15 U.S.C. 1691b(a)); Electronic Funds

Transfer Act, Section 904 (15 U.S.C. 1693b); and Gramm-Leach-Bliley Act, Section 504 (15 U.S.C. 6804. Respondent participation in the survey is voluntary. If the Federal Reserve contracts with an outside firm that retains the respondent identifying data and, pursuant to a contractual agreement, that data cannot be reported to the Federal Reserve, then the respondent identifying data cannot be considered an agency record and would not be subject to disclosure under the Freedom of Information Act (FOIA). However, if there is no contractual agreement between the Federal Reserve and an outside firm regarding the reporting of respondent identifying data, or if the Federal Reserve conducted the survey itself, the information could be considered an agency record subject to subsection (b)(6) of the FOIA. The confidentiality of the information obtained from financial institutions and other stakeholders will be determined on a case-by-case basis when the specific questions to be asked on each particular survey are formulated, but before respondents are contacted. Depending upon the survey questions, confidential treatment could be warranted under subsection (b)(4) of the FOIA. 5 U.S.C. 552(b)(4) and (6).

Abstract: The FR 1380 is used to gather qualitative and quantitative information directly from consumers (consumer studies), and also to gather qualitative and quantitative information from financial institutions offering consumer financial products and services and from other stakeholders, such as brokers, appraisers, settlement agents, software vendors, and consumer groups (stakeholder studies). This information collection is specifically targeted to the development of consumer regulations. The consumer studies gather information about individual consumers' knowledge of, and attitudes toward, consumer disclosures used by financial institutions in compliance with Federal Reserve regulations. The consumer studies may also enable the Federal Reserve to develop and test consumer education resources. The stakeholder studies gather information from the institutions offering financial products and services and other third parties regarding products, disclosure, marketing, advertising, and sales practices.

Current Actions: On March 30, 2009, the Federal Reserve published a notice in the **Federal Register** (74 FR 14126) requesting public comment for 60 days on the extension, without revision, of this information collection. The comment period for this notice expired on May 29, 2009. The Federal Reserve did not receive any comments.

2. *Report Title:* Recordkeeping Requirements Associated With the Interagency Statement on Complex Structured Finance Activities.

Agency Form Number: FR 4022.

OMB Control Number: 7100–0311.

Frequency: Annual.

Reporters: State member banks, bank holding companies, and U.S. branches and agencies of foreign banks supervised by the Federal Reserve.

Estimated Annual Reporting Hours: 230 hours.

Estimated Average Hours per Response: New respondents, 25 hours; existing respondents, 10 hours.

Estimated Number of Respondents: New respondents, 2; existing respondents, 18.

General Description of Report: This information collection is authorized pursuant to 12 U.S.C. 248(a), 248(i), 483, and 602, 12 U.S.C. 1844, and 12 U.S.C. 3108(a). Respondent participation in the statement is voluntary. However, the Federal Reserve expects to use the statement in reviewing the internal controls and risk management systems of those financial institutions engaged in complex structured finance transactions (CSFTs) as part of the Federal Reserve's supervisory process. Since the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, in the event records generated under the statement are obtained by the Board during an examination of a State member bank or U.S. branch or agency of a foreign bank, or during an inspection of a bank holding company, confidential treatment may be afforded to the records under exemption 8 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(8). FOIA exemption 8 exempts from disclosure matters that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

Abstract: The Interagency Statement on Complex Structured Finance Activities provides that State member banks, bank holding companies, and U.S. branches and agencies of foreign banks supervised by the Federal Reserve should establish and maintain policies and procedures for identifying, evaluating, assessing, documenting, and controlling risks associated with certain CSFTs.

A financial institution engaged in CSFTs should maintain a set of formal, firm-wide policies and procedures that are designed to allow the institution to identify, evaluate, assess, document, and control the full range of credit, market, operational, legal, and reputational risks associated with these transactions. These policies may be developed specifically for CSFTs, or included in the set of broader policies governing the institution generally. A financial institution operating in foreign jurisdictions may tailor its policies and procedures as appropriate to account for, and comply with, the applicable laws, regulations and standards of those jurisdictions.

A financial institution's policies and procedures should establish a clear framework for the review and approval of individual CSFTs. These policies and procedures should set forth the responsibilities of the personnel involved in the origination, structuring, trading, review, approval, documentation, verification, and execution of CSFTs. A financial institution should define what constitutes a new complex structured finance product and establish a control process for the approval of such new products. An institution's policies also should provide for new complex structured finance products to receive the approval of all relevant control areas that are independent of the profit center before the product is offered to customers.

Current Actions: On April 2, 2009, the Federal Reserve published a notice in the **Federal Register** (74 FR 14988) requesting public comment for 60 days on the extension, without revision, of this information collection. The comment period for this notice expired on June 1, 2009. The Federal Reserve did not receive any comments.

Final approval under OMB delegated authority of the implementation of the following report:

Report Title: Microeconomic Survey.

Agency Form Number: FR 3051.

OMB Control Number: 7100–0321.

Frequency: Annually and monthly, as needed.

Reporters: Individuals, households, and financial and non-financial businesses.

Estimated Annual Reporting Hours: Annual, 6,000 hours; Monthly, 18,000 hours.

Estimated Average Hours per Response: Annual, 30 minutes; Monthly, 60 minutes.

Estimated Number of Respondents: Annual, 6,000; Monthly, 3,000.

General Description of Report: This information collection is voluntary (12 U.S.C. 225A and 263). Generally, when the survey or study is conducted by an outside firm, names or other such directly identifying characteristics would not be reported to the Federal

Reserve. In circumstances where identifying information is provided to the Federal Reserve, such information could possibly be protected from Freedom of Information Act disclosure by FOIA exemptions 4 and 6 (5 U.S.C. 552(b)(4) and (6)).

The Federal Reserve Board's Microeconomic Surveys section in the Division of Research and Statistics is an official statistical unit, as defined under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (44 U.S.C. 3501). When information is collected by a private contractor under the oversight of that section, there are stringent requirements for protecting the data and respondents may be given a legally binding pledge of confidentiality. The pledge would disallow any use of the data for a non-statistical purpose.[1] When the Federal Reserve collects data directly (that is, without the use of a private data collection company or other such agent), respondents may also be offered such a pledge if the data are intended for a statistical purpose.

Abstract: The Federal Reserve would use this event-driven survey to obtain information specifically tailored to the Federal Reserve's supervisory, regulatory, operational, and other responsibilities. The Federal Reserve proposes to conduct the FR 3051 up to 13 times per year (including one survey on an annual basis and another on a monthly basis). The frequency and content of the questions would depend on changing economic, regulatory, or legislative developments.

Current Actions: On March 30, 2009, the Federal Reserve published a notice in the **Federal Register** (74 FR 14126) requesting public comment for 60 days on the implementation of the Microeconomic Survey. The comment period for this notice expired on May 29, 2009. The Federal Reserve did not receive any comments; the survey will be implemented as proposed.

Board of Governors of the Federal Reserve System, June 4, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–13412 Filed 6–8–09; 8:45 am]

BILLING CODE 6210–01–P

[1] "Non-statistical" is defined precisely in CIPSEA. Loosely, an information collection undertaken for a non-statistical purpose would be one intended to support a regulatory action or other action specifically targeted to the entity on which data were collected.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0035]

Federal Acquisition Regulation; Submission for OMB Review; Claims and Appeals

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for reinstatement of an information collection requirement regarding an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Regulatory Secretariat (VPR) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Claims and Appeals. A request for public comments was published in the **Federal Register** at 73 FR 18785 on April 7, 2008. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before July 9, 2009.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: General Services Administration (GSA) Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405. Please cite OMB Control No. 9000–0035, Claims and Appeals, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, Procurement Analyst, Contract Policy Division, GSA, (202) 208–6925.

SUPPLEMENTARY INFORMATION:

A. Purpose

It is the Government's policy to try to resolve all contractual issues by mutual agreement at the contracting officer's level without litigation. Contractors' claims must be submitted in writing to the contracting officer for a decision. Claims exceeding $100,000 must be accompanied by a certification that (1) the claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. Contractors may appeal the contracting officer's decision by submitting written appeals to the appropriate officials

B. Annual Reporting Burden

Respondents: 4,500.
Responses per Respondent: 3.
Annual Responses: 13,500.
Hours per Response: 1.
Total Burden Hours: 13,500.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0035, Claims and Appeals, in all correspondence.

Dated: June 3, 2009.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E9–13420 Filed 6–8–09; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: April 2010 Current Population Survey Supplement on Child Support.

OMB No.: 0992–0003.

Description: Collection of these data will assist legislators and policymakers in determining how effective their policymaking efforts have been over time in applying the various child support legislation to the overall child support enforcement picture. This information will help policymakers

determine to what extent individuals on welfare would be removed from the welfare rolls as a result of more stringent child support enforcement efforts.

Respondents: Individuals and households.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Child Support Survey	41,300	1	0.03	1,239

Estimated Total Annual Burden Hours: 1,239

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 within 60 days of this publication.

Dated: June 4, 2009.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E9–13497 Filed 6–8–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Faculty Loan Repayment Program (OMB No. 0915–0150)—Extension

Under the Health Resources and Services Administration (HRSA) Faculty Loan Repayment Program, degree-trained health professionals from disadvantaged backgrounds may enter into a contract under which the Department of Health and Human Services will make payments on eligible educational loans in exchange for a minimum of two years of service as a full-time or part-time faculty member of an accredited health professions college or university. Applicants must complete an application and provide all other required documentation, including information on all eligible educational loans.

Instrument	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Online application	181	1	181	1	181
Institution Employment Form	*181	*1	181	1	181
Loan Information and Verification Form	181	3	543	1	543
Checklist Form	181	1	181	.50	90.50
BCRSIS Online Banking Form	181	1	181	.50	90.50
Total	362	6	543	4	1,068

*Respondent for this form is the academic institution for the applicant.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to the desk officer for HRSA, either by e-mail to *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. Please direct all correspondence to the ''attention of the desk officer for HRSA.''

Dated: June 2, 2009.

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E9–13519 Filed 6–8–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: 2010 National Survey on Drug Use and Health—(OMB No. 0930–0110)—Revision

The National Survey on Drug Use and Health (NSDUH), formerly the National Household Survey on Drug Abuse (NHSDA) is a survey of the civilian, non-institutionalized population of the United States 12 years old and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

The 2010 NSDUH will continue conducting a follow-up clinical interview with a subsample of approximately 500 respondents. The design of this study is based on the recommendations from a panel of expert consultants convened by the Center for Mental Health Services (CMHS), SAMHSA, to discuss mental health surveillance data collection strategies. The goal is to create a statistically sound measure that may be used to estimate the prevalence of Serious Mental Illness (SMI) among adults (age 18+).

For the 2010 NSDUH, no questionnaire changes are proposed.

As with all NSDUH/NHSDA surveys conducted since 1999, the sample size of the survey for 2010 will be sufficient to permit prevalence estimates for each of the fifty states and the District of Columbia. The total annual burden estimate is shown below:

Instrument	Number of respondents	Responses per respondent	Hours per response	Total burden hours	Hourly wage rate	Annualized hourly costs
Household Screening	190,800	1	0.083	15,836	$14.64	$231,839
Interview	67,500	1	1.000	67,500	14.64	988,200
Clinical Follow-up Certification	24	1	1.000	24	14.64	351
Clinical Follow-up Interview	500	1	1.000	500	14.64	7,320
Screening Verification	5,400	1	0.067	362	14.64	5,300
Interview Verification	10,125	1	0.067	678	14.64	9,926
Total	190,824			84,900		1,242,936

Instrument	Number of respondents	Responses per respondent	Hours per response	Total burden hours	Hourly wage rate	Annualized hourly costs
Household Screening	190,800	1	0.083	15,836	$14.64	$231,839
Interview	67,500	1	1.000	67,500	14.64	988,200
Clinical Follow-up Certification	24	1	1.000	24	14.64	351
Clinical Follow-up Interview	500	1	1.000	500	14.64	7,320
Screening Verification	5,400	1	0.067	362	14.64	5,300
Interview Verification	10,125	1	0.067	678	14.64	9,926
Total	190,824			84,900		1,242,936

Written comments and recommendations concerning the proposed information collection should be sent by July 9, 2009 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: June 1, 2009.

Elaine Parry,

Director, Office of Program Services.

[FR Doc. E9–13414 Filed 6–8–09; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–0730]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for

opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluation of the Effectiveness of the Smoke Alarm Installation and Fire Safety Education (SAIFE) Program—Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This project seeks a one year extension of its OMB PRA clearance for data collection. Due to early project delays in obtaining clearances for data collection, the project was unable to start as planned and missed evaluating one program cycle, with a program cycle running for approximately one year. This extension is necessary in order to complete the projects original design of evaluating three program cycles of the SAIFE program as implemented in the State of North Carolina. An extension will allow completion of the evaluation of the third and final cycle of the program.

This project will use data from in-person interviews, paper and telephone surveys to assess the effectiveness of the Smoke Alarm Installation and Fire Safety Education (SAIFE) program and its efficacy in delivering fire safety information. The data will be collected from a convenience sample of adults 18 years of age or older who volunteer to participate in the SAIFE program. A total of 360 households will complete the evaluation each year of the data collection for a mass total of 1080 households over the next three years. Participants will be asked to complete a 15-minute survey at two points, once immediately before the intervention and then 6 months afterwards. The survey will assess outcome measures including, but not limited to, changes in knowledge, attitudes, beliefs, and behaviors regarding various aspects of fire safety and prevention; changes in reported residential fire-related injuries and deaths; increased or decreased presence of functioning smoke alarms; and the costs associated with the SAIFE intervention. The evaluation will measure these changes across time, between groups and within groups, among communities that will receive the SAIFE intervention.

CDC programs are currently funded in 16 states to provide for home installation of smoke alarms plus general fire safety education in households at high risk for fire and fire related injury and death. Programs of this type are intended to prevent fire related injury and mortality, but have not been studied scientifically to assess their impact on fire-related injury outcomes. The proposed study represents the first formal effort to evaluate the effectiveness and cost implications of the SAIFE program as implemented in North Carolina. The data collected in this study will have the potential to inform other smoke alarm installation programs, as well as indicate future priorities in prevention and preparedness for residential household fires. The only cost to the participant is the time involved to complete the surveys.

ESTIMATE OF ANNUALIZED BURDEN TABLE

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Estimated total annual burden (in hours)
Adult male and female (age 18+ years) screened	425	1	5/60	35
Adult male and female (age 18+ years) Pre/Post Evaluation survey	360	2	15/60	180
Adult male and female (age 18+ years) household visit	36	1	1	36
Total				251

Dated: June 3, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–13411 Filed 6–8–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–0780]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer at 404–639–5960 or send comments to CDC/ATSDR Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Survey of Residential Care Facilities (NSRCF), (OMB No. 0920–0780)—Revision— National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, ''shall collect statistics on health resources * * * [and] utilization of health care, including extended care facilities, and other institutions.''

In 2008, NCHS sought approval for a pretest and full survey of The National Survey of Residential Care Facilities (NSRCF). OMB approved only the pretest which has been completed. NCHS now seeks approval to collect the full survey. The survey is designed to complement data collected by other federal surveys and to fill a significant data gap about a major portion of the long-term care population. Data from NSRCF will provide information on residential care facilities that policymakers, providers, and researchers can use to address a wide array of policy and research questions. The survey will utilize a computer-assisted personal interviewing (CAPI) system to collect information about facility and resident characteristics. This computerized system speeds the flow of data and makes it possible to release information on a timelier basis and easier for respondents to participate in the survey. The CAPI system may also enhance data quality. Clearance for two years is requested.

A stratified random sample of residential care facilities across four strata (small, medium, large and very large) will be selected to participate in NSRCF. Within each facility a random sample of residents will be selected. To be eligible a facility must be licensed, registered, listed, certified, or otherwise regulated by the State; provide room and board with at least two meals a day; provide around-the-clock on-site supervision; help with activities of daily living (*e.g.,* bathing, eating, or dressing) or medication supervision; serve primarily an adult population; and have at least four beds.

The facility questionnaire will collect data about facility characteristics (*e.g.,* size, age, types of rooms), services offered, characteristics of the resident population, facility policies and services, charges for services, and background of the director. The resident questionnaire collects information on resident demographics, current living arrangements within the facility, involvement in activities, use of services, charges for care, health status, and cognitive and physical functioning. For the national survey, approximately 2,250 facilities will be surveyed for an annual average of 1,125 facilities. Information on an average of 4 residents will be collected from an annual average of 1,125 facility staff. Residents themselves will not be interviewed.

Users of NSRCF data include, but are not limited to CDC; other Department of Health and Human Services (DHHS) agencies, such as the Office of the Assistant Secretary for Planning and Evaluation and the Agency for Healthcare Research and Quality; and associations, such as the American Association of Homes and Services for the Aging, National Center for Assisted Living, American Seniors Housing Association, Assisted Living Federation of America; universities; foundations; and other private sector organizations. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Name of form	Number of respondents	Number of responses/ respondent	Average burden/ response (in hours)	Response burden in hours
Facility Director	Facility Screener	1125	1	10/60	188
Facility Director	Resident Selection	1125	1	10/60	188
Facility Director	Pre-Interview Worksheet	1125	1	15/60	281
Facility Director	Facility Questionnaire	1125	1	1.25	1,406
Facility Director or Staff Member	Resident Questionnaire	1125	4	20/60	1,500
Total					3,563

Dated: June 3, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Office of the Chief Science Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–13409 Filed 6–8–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0148] (formerly Docket No. 2007D–0493)

International Conference on Harmonisation; Guidance on Q8(R1) Pharmaceutical Development; Addition of Annex; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''Q8(R1) Pharmaceutical Development.'' The guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The ICH Q8(R1) guidance includes the previously published parent guidance entitled ''Q8 Pharmaceutical Development'' (Q8 parent guidance) (71 FR 29344; May 22, 2006) and a newly added annex. The annex provides

further clarification of key concepts outlined in the Q8 parent guidance and describes the principles of quality by design (QbD). The annex is intended to show how concepts and tools (e.g., design space) outlined in the Q8 parent guidance could be put into practice by the applicant for all dosage forms.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. Send two self-addressed adhesive labels to assist the office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Moheb Nasr, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, rm. 2630, Silver Spring, MD 20993–0002, 301–796–1900; or

Christopher Joneckis, Center for Biologics Evaluation and Research (HFM–25), Food and Drug Administration, 1401 Rockville Pike, suite 200, Rockville, MD 20852–1448, 301–827–0373.

Regarding the ICH: Michelle Limoli, Office of International Programs (HFG–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4480.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, Health Canada, and the European Free Trade Area.

In the **Federal Register** of January 10, 2008 (73 FR 1890), FDA published a notice announcing the availability of a draft guidance entitled ''Q8(R1) Pharmaceutical Development Revision 1.'' The notice gave interested persons an opportunity to submit comments by April 9, 2008.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies in November 2008. Revisions were made in response to comments received by the three ICH regions to better express the original intent of the draft.

The annex added to the Q8 parent guidance provides further clarification of key concepts outlined in the Q8 parent guidance and describes the principles of QbD. The annex is not intended to establish new standards or increase regulatory expectations. It is intended to show how concepts and tools (e.g., design space) outlined in the Q8 parent guidance could be put into practice by the applicant for all dosage forms. Following the addition of the annex to the Q8 parent guidance, ICH recoded the parent guidance Q8(R1).

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written comments on the guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.regulations.gov*, *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm*.

Dated: May 27, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–13374 Filed 6–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Psychopharmacologic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration

(FDA). The meeting will be open to the public.

Name of Committee: Psychopharmacologic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 30, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, The Ballroom, 8727 Colesville Rd., Silver Spring, MD. The hotel telephone number is 301–589–5200.

Contact Person: Cicely Reese, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *cicely.reese@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512544. 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 the safety and efficacy of new drug application (NDA) 22–117, proposed trade name SAPHRIS (asenapine maleate) sublingual tablets, Organon, a part of Schering-Plough Corp., for the following indications: (1) Acute treatment of schizophrenia in adults and (2) acute treatment of manic or mixed episodes of bipolar I disorder in adults.

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 July 21, 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 July 13, 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 July 14, 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 Cicely Reese 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: June 2, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy and Planning.

[FR Doc. E9–13371 Filed 6–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Oncologic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Oncologic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 15, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy, Gaithersburg, MD. The hotel telephone number is 301–977–8900.

Contact Person: Nicole Vesely, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–6793, FAX: 301–827–6776, e-mail: *nicole.vesely@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512542. 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: (1) new drug application (NDA) 022–447, proposed trade name YONDELIS (trabectedin) powder, for concentrate for solution for intravenous infusion, Centocor Ortho Biotech Products, L.P., proposed indication in combination with DOXIL (doxorubicin HCl liposome injection), for the treatment of patients with relapsed ovarian cancer; and (2) supplemental new drug application (sNDA) 050–718/S–039, DOXIL (doxorubicin HCl liposome injection), for intravenous infusion, Centocor Ortho Biotech Products, L.P., proposed indication in combination with docetaxel for the treatment of patients with locally advanced or metastatic breast cancer who have received prior anthracycline treatment.

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 June 30, 2009. Oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11 a.m., and 3:30 p.m. to 4 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before June 22, 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 June 23, 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 Nicole Vesely 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: May 29, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–13372 Filed 6–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Hematology and Pathology 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: Hematology and Pathology 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 July 17, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Louise E. Magruder, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240–276–1248, e-mail: *louise.magruder@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512515. 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 and make recommendations on a (Clinical Laboratory Improvement Amendment) Waiver application for the HemoCue WBC Analyzer, sponsored by HemoCue, Inc. The HemoCue WBC system is indicated for use for quantitative determination of white blood cell (WBC) counts in capillary or venous whole blood and can be used in clinical laboratories and at point-of-care settings.

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 July 2, 2009. Oral presentations from the public will be scheduled between approximately 8:15 a.m. and 9:15 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 June 24, 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 June 25, 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: June 2, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy and Planning.

[FR Doc. E9–13373 Filed 6–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 29, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/ Silver Spring, Maryland Ballroom, 8727 Colesville Rd., Silver Spring, MD. The hotel telephone number is 301–589–5200.

Contact Person: Elaine Ferguson, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *elaine.ferguson@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512533. 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 supplemental new drug application (sNDA) 20–850/S–025, telmisartan tablets, 80 milligrams, Boehringer Ingelheim Pharmaceuticals, Inc., for the proposed indication of reduction in the risk of myocardial infarction, stroke, death from cardiovascular causes, or hospitalization for congestive heart failure in patients 55 years or older who are at high risk of developing major cardiovascular events.

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 July 15, 2009. Oral presentations from the public will be scheduled between approximately 1 p.m. to 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 July 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 July 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 Elaine Ferguson 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: May 29, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–13375 Filed 6–8–09; 8:45 am]

BILLING CODE 4160–01–S

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 Special Emphasis Panel; Health Care Spending.

Date: July 1, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C218, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alfonso R. Latoni, PhD, Deputy Chief and Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–402–7702, *latonia@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Stress and Aging.

Date: July 31, 2009.

Time: 1 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, 2C218, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alfonso R. Latoni, PhD, Deputy Chief And Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–402–7702, *latonia@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13434 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel. Dietary Intervention for Type 2 Diabetes.

Date: July 7, 2009.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–7799. *ls38z@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel. siRNA Therapeutics.

Date: July 9, 2009.

Time: 2:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Robert Wellner, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 757, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–4721. *Rw175w@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel. George M. O'Brien Urology Research Centers (P50).

Date: July 27–28, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Washington DC, 1250 22nd Street NW., Washington, DC 20037.

Contact Person: Paul A. Rushing, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–8895. *rushingp@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13433 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Alcohol, Diabetes and Cardiometabolic Risk.

Date: July 7, 2009.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call)

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R13 Conference Application.

Date: July 13, 2009,

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call)

Contact Person: D.G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Blood Pressure in Dialysis Patients.

Date: July 21, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call)

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Race Dependent Risk for Pancreatitis.

Date: July 22, 2009.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Kidney Diseases in Children Ancillary Studies.

Date: July 27, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Wellner, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 757, 6707 Democracy Boulevard,

Bethesda, MD 20892–5452, (301) 594–4721, *rw175w@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Studies of Diabetic Complications.

Date: July 29, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Wellner, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 757, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4721, *rw175w@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Diabetes-related Studies.

Date: July 29, 2009.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13432 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel. ARRA Revision Application.

Date: July 28, 2009.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Bethesda, MD 20892–5452. (301) 402–7172. *woynarowskab@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13431 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Chronic Pancreatitis.

Date: July 9, 2009.

Time 4 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Adult to Adult Living Liver Donor Transplantation.

Date: July 28, 2009.

Time 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Maria E. Davila-Bloom, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13430 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Liver Disease.

Date: June 16, 2009.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Michael W. Edwards, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

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 Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Fellowships in Digestive Diseases and Nutrition.

Date: June 18, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th Street, NW., Washington, DC 20007.

Contact Person: Thomas A. Tatham, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@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 Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Genitourinary Disorders.

Date: July 2, 2009.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Michael W. Edwards, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

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 Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Clinical Islet Transplantation Consortium.

Date: July 9, 2009.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *ls38z@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Closed Loop Technologies for Type 1 Diabetes.

Date: July 20–21, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Thomas A. Tatham, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13429 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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: Center for Scientific Review Special Emphasis Panel; Selective Tendon and Dermal Topics.

Date: June 18, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel F. McDonald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Cancer Biology.

Date: June 22, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Zhiqiang Zou, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, MSC 7804, Bethesda, MD 20892, 301–451–0132, *zouzhiq@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; International Research Scientist Development Award.

Date: June 23–26, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting)

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, 301–594–6830, *gerendad@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational Biology, Imaging and Data Mining.

Date: June 24–26, 2009.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting)

Contact Person: Ross D. Shonat, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7849, Bethesda, MD 20892, 301–435–2786, *shonatr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; DNDA Diversity Predoctoral Fellowships.

Date: June 24, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: Paek-Gyu Lee, PhD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4201, MSC 7812, Bethesda, MD 20892, (301) 435–1277, *leepg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrument Grant (SIG) Program: Surface Plasmon Resonance (SPR) Instruments.

Date: June 24, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: State Plaza Hotel, 2117 E Street, NW., Washington, DC 20037.

Contact Person: Stephen M. Nigida, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301–435–1222, *nigidas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular and Endothelial Cell Biology.

Date: June 24–25, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manjit Hanspal, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, 301–435–1195, *hanspalm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Reproductive Sciences and Development.

Date: June 24–25, 2009.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Krish Krishnan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishnak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Anti-Infective Therapeutics.

Date: June 25–26, 2009.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Baltimore Harborplace Hotel, 202 East Pratt Street, Baltimore, MD 21202.

Contact Person: Rossana Berti, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3191, MSC 7846, Bethesda, MD 20892, 301–402–6411, *bertiros@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cellular and Molecular Immunology Special Emphasis Panel.

Date: June 25–26, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tina McIntyre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Neurodevelopment Synaptic Plasticity and Neurodegeneration.

Date: June 25–26, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: Vilen A. Movsesyan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Genes, Genomes, and Genetic Studies.

Date: June 25–26, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Michael A. Marino, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2216, MSC 7890, Bethesda, MD 20892, (301) 435–0601, *marinomi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cell Biology and Development Fellowship.

Date: June 25–26, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Alessandra M. Bini, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–435–1024, *binia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Psychopathology and Adult Disorders.

Date: June 25, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Biao Tian, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared X–Ray Crystallography Equipment.

Date: June 25–26, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, DC, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: David R. Jollie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301) 435–1722, *jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Risk Prevention and Health Behavior Across the Lifespan.

Date: June 25–26, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.

Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oral and Dental: Small Business.

Date: June 25–26, 2009.

Time: 9 a.m. to 11:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tamizchelvi Thyagarajan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016K, MSC 7814, Bethesda, MD 20892, 301–451–1327, *tthyagar@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–08–206: Immunodeficiency Diseases.

Date: June 25–26, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Betty Hayden, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical Hematology.

Date: June 25–26, 2009.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Hematology ARRA CR.
Date: June 25–26, 2009.
Time: 12 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Retinopathy Studies.
Date: June 26, 2009.
Time: 8 a.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.
Contact Person: Raya Mandler, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, 301–402–8228, *rayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Science Education, Communication and Childhood Disorders.
Date: June 26, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Biao Tian, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation—Electron Microscopy 1.
Date: June 26, 2009.
Time: 8 a.m. to 6 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: Steven Nothwehr, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5183, MSC 7840, Bethesda, MD 20892, 301–435–2492, *nothwehrs@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Supplements Retinopathy.
Date: June 26, 2009.
Time: 2:30 p.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.
Contact Person: Raya Mandler, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, 301–402–8228, *rayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Prevention and Intervention for Addictions.
Date: June 26, 2009.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Karen Lechter, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, 301–496–0726, *lechterk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular Biology.
Date: 8 a.m. to 5 p.m.
Time: June 29–30, 2009.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bukhtiar H. Shah, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095J, MSC 7822, Bethesda, MD 20892, (301) 435–1233, *shahb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Diversity Program.
Date: June 29–30, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Peter J. Perrin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Visual Systems Small Business.
Date: June 29–30, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.
Contact Person: George Ann McKie, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1124, MSC 7846, Bethesda, MD 20892, 301–435–1049, *mckiegeo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.
Date: June 29–30, 2009.
Time: 8 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Najma Begum, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *begumn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncological Sciences.
Date: June 29–30, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Ross D. Shonat, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7849, Bethesda, MD 20892, 301–435–2786, *shonatr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Healthcare Delivery and Methodologies.
Date: June 29–30, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Harbor Court, 550 Light Street, Baltimore, MD 21202.
Contact Person: Karin F. Helmers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, 301–435–1017, helmersk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genes, Genetics, Genomes.
Date: June 29–30, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mary P. McCormick, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892, 301–435–1047, *mccormim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Drug Development and Therapeutics, SBIR/STTR.
Date: June 29–30, 2009,
Time: 11 a.m. to 7 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Diagnostic and Treatment SBIR/STTR.

Date: June 29–30, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavillion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Bonnie L. Burgess-Beusse, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Competitive Revisions; Visual Systems Small Business.

Date: June 30, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: George Ann McKie, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1124, MSC 7846, Bethesda, MD 20892, 301–435–1049, *mckiegeo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Anti-cancer Therapy ARRA CR.

Date: June 30, 2009.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence Ka-Yun Ng, PhD, Scientific Review Officer, Center for Scientific Review, National Institutues of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 1, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13428 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Issues in the Design of Clinical Trials of Antimycobacterial Drugs for Treatment of Tuberculosis; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop regarding scientific issues in clinical trial design for the treatment of tuberculosis. This public workshop is intended to bring together public health experts, health care providers, academia, and industry to share perspectives on scientific aspects of antimicrobial drug development for tuberculosis. Topics will include considerations in the development of clinical trials to study treatments for tuberculosis, including enrollment of patients, the effect of antimicrobial treatment, study endpoints, and statistical issues in analysis of results. The input from this public workshop will help in developing topics for further public discussion.

Date and Time: The public workshop will be held on July 30, 2009, from 8 a.m. to 5:30 p.m. and on July 31, 2009, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at the Crowne Plaza Silver Spring, 8777 Georgia Ave., Silver Spring, MD 20910. Seating is limited and available only on a first-come, first-served basis.

Contact: Christine Moser or Ramou Mauer, Center for Drug Evaluation and Research, Food and Drug Administration, Office of Antimicrobial Products, 10903 New Hampshire Ave., Bldg. 22, rm. 6209, Silver Spring, MD 20993–0002, 301–796–1300.

Registration: To register electronically, e-mail registration information (including name, title, firm name, address, telephone, and fax number) to *TBwkshp@fda.hhs.gov* by July 22, 2009. Persons without access to the Internet can call 301–796–1300 to register. Registration is free for the public workshop. Interested parties are encouraged to register early because spaced is limited. Seating will be available on a first-come, first-served basis. Persons needing a sign language interpreter or other special accommodations should notify Christine Moser or Ramou Mauer (see *Contact*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: FDA is announcing a public workshop regarding antimicrobial drug development for tuberculosis. This public workshop will focus on scientific considerations in designing clinical trials for tuberculosis. Topics for discussion include the enrollment of patient populations with tuberculosis, the effect size of antimicrobial treatment for tuberculosis, assessing effect size of a new drug in a multi-drug regimen, various endpoints that might be considered to assess drug efficacy for trials of tuberculosis, the timing of assessment for efficacy, extrapolation of safety and efficacy to other subpopulations, and statistical issues in analysis of results from trials in tuberculosis. The input from this public workshop will help in developing topics for further discussion.

The agency encourages individuals, patient advocates, industry, consumer groups, health care professionals, researchers, and other interested persons to attend this public workshop.

Transcripts: Transcripts of the public workshop may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857, approximately 20 working days after the public workshop, at a cost of 10 cents per page. Transcripts will also be available on the Internet at *http://internet-dev/cder/meeting/tb.htm* approximately 45 days after the workshop.

Dated: June 2, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–13419 Filed 6–8–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Meeting; National Commission on Children and Disasters

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of meeting.

DATES: The meeting will be held on Thursday, June 25, 2009, from 9 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held at the Henry J. Kaiser Family Foundation Public Affairs Center, 1330 G Street, NW., Washington, DC. To attend either in person or via teleconference, please register by 5 p.m. Eastern Time, June 22, 2009. To register, please visit *http://thenationalacad.disastersroundtable.sgizmo.com;* for information on options for remote meeting participation, or if you experience technical difficulties, please contact Brianna Cash at *dr@nas.edu* or (202) 334–2402. If you require a sign language interpreter or other special assistance, please call Jacqueline Haye at (202) 205–9560 as

soon as possible and no later than 5 p.m. Eastern Time, June 11, 2009.

Agenda: The National Commission on Children and Disasters and the National Academy of Sciences will co-host a workshop entitled ''Children and Youth in Disasters: Closing Gaps among Research, Practice and Policy.'' Presentations and expert panel discussions will: (1) Illuminate pressing issues related to disaster preparedness and response for children and youth and opportunities to reduce their vulnerability and increase resiliency in disasters; (2) identify and enhance opportunities to strengthen connections among researchers, practitioners and policy makers related to children and youth in disasters; (3) discuss concrete ideas and actionable suggestions from multiple perspectives to apply to policy work in this field; and (4) identify practical approaches on how the country can better prepare to respond to children's needs in disasters.

Additional Information: Contacts: Brianna Cash, The National Academies, at *dr@nas.edu* or (202) 334–2402; Vinicia Mascarenhas, National Commission on Children and Disasters, at *vinicia.mascarenhas@acf.hhs.gov* or (202) 401–9392.

SUPPLEMENTARY INFORMATION: The National Commission on Children and Disasters is an independent Commission that shall conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, building upon the evaluations of other entities and avoiding unnecessary duplication by reviewing the findings, conclusions, and recommendations of these entities. The Commission shall then submit a report to the President and the Congress on the Commission's independent and specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies.

The National Academy of Sciences is an honorific society of distinguished scholars engaged in scientific and engineering research, dedicated to the furtherance of science and technology and to their use for the general welfare.

Dated: June 3, 2009.

Curtis L. Coy,

Acting Assistant Secretary for Children and Families.

[FR Doc. E9–13418 Filed 6–8–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Addressing Emerging Infectious Diseases and Related Public Health Threats in the People's Republic of China, Funding Opportunity Announcement (FOA), GH09–002, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1 p.m.–4 p.m., June 25, 2009 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of ''Addressing Emerging Infectious Diseases and Related Public Health Threats in the People's Republic of China, FOA GH09–002.''

Contact Person for More Information: Shoukat Qari, PhD, Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, GA 30333, Telephone (404) 639–4663.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 2, 2009.

Lorenzo Falgiano,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–13518 Filed 6–8–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 a meeting of the Board of Scientific Counselors, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Mental Health, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Mental Health.

Date: June 22–24, 2009.

Time: June 22, 2009, 7 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: June 23, 2009, 8:30 a.m. to 12:40 p.m.

Agenda: To review and evaluate the Intramural Laboratories with site visits of the Emotion and Development Branch, the Section on Bipolar Spectrum Disorders, the Section on Development and Affective Neuroscience, the Section on Behavioral Endocrinology, and meetings with PIs, Training Fellows, and Staff Clinicians.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: June 23, 2009, 12:40 p.m. to 4 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: June 23, 2009, 7 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: June 24, 2009, 8:30 a.m. to 11 a.m.

Agenda: To review and evaluate the Intramural Laboratories with site visits of the Laboratory of Behavioral Neuroscience, the Section on Neuroanatomy, and meetings with the PIs and Training Fellows.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Time: June 24, 2009, 11 a.m. to 1 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Dawn M. Johnson, Ph.D, Executive Secretary, Division of Intramural Research Programs, National Institute of Mental Health, 10 Center Drive, Building 10, Room 4N222, Bethesda, MD 20892, 301–402–5234, *dawnjohnson@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research

Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 1, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–13435 Filed 6–8–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Meeting; National Commission on Children and Disasters

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of meeting.

DATES: The meeting will be held on Friday, June 26, 2009, from 9:30 a.m. to 3:30 p.m.

ADDRESSES: The meeting will be held at the Administration for Children and Families, 901 D Street, SW., Washington, DC 20024. To attend either in person or via teleconference, please register by 5 p.m. Eastern Time, June 23, 2009. To register, please e-mail *jacqueline.haye@acf.hhs.gov* with ''Meeting Registration'' in the subject line, or call (202) 205–9560. Registration must include your name, affiliation, and phone number. If you require a sign language interpreter or other special assistance, please call Jacqueline Haye at (202) 205–9560 as soon as possible and no later than 5 p.m. Eastern Time, June 12, 2009.

Agenda: The Commission will discuss outcomes from its workshop on children and disasters, held June 25, 2009 in partnership with the National Academy of Sciences. Additionally, as pertaining to all hazards, including man-made and natural disasters, the Commission will hear subcommittee presentations on and discuss recommendations regarding: (1) Pediatric medical care; (2) education and juvenile justice; (3) evacuation, transportation and housing; (4) human services recovery; and (5) other matters as may reasonably come before the Commission and plans for future work of the Commission.

Written comments may be submitted electronically to *roberta.lavin@acf.hhs.gov* with ''Public Comment'' in the subject line. The Commission recommends that you include your name, mailing address and an e-mail address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment, and it allows the Commission to contact you if further information on the substance of the comment is needed or if your comment cannot be read due to technical difficulties. The Commission's policy is that the Commission will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment placed in the official record.

The Commission will provide an opportunity for public comments during the public meeting on June 26. Those wishing to speak will be limited to three minutes each; speakers are encouraged to submit their remarks in writing in advance, to ensure their comment is received in case there is inadequate time for all comments to be heard on June 26.

Additional Information: Contact Roberta Lavin, Office of Human Services Emergency Preparedness and Response, e-mail *roberta.lavin@acf.hhs.gov* or (202) 401–9306.

SUPPLEMENTARY INFORMATION: The National Commission on Children and Disasters is an independent Commission that shall conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, building upon the evaluations of other entities and avoiding unnecessary duplication by reviewing the findings, conclusions, and recommendations of these entities. The Commission shall then submit a report to the President and the Congress on the Commission's independent and specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies.

Dated: June 3, 2009.

Curtis L. Coy,

Acting Assistant Secretary for Children and Families.

[FR Doc. E9–13417 Filed 6–8–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Injury Prevention and Control Initial Review Group, (NCIPC IRG)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned review group:

Times and Dates: 1 p.m.–3 p.m., July 8, 2009 (closed).

Place: Teleconference.

Status: Portions of the meetings will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5, U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to section 10(d) of Public Law 92–463.

Purpose: This group is charged with providing advice and guidance to the Secretary, Department of Health and Human Services, and the Director, CDC, concerning the scientific and technical merit of grant and cooperative agreement applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct research on environmental exposures to hazardous substances.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of cooperative agreement applications submitted in response to Fiscal Year 2009 Requests for Applications related to the following individual research announcement: TS–09–003. This funding opportunity announcement (FOA) solicits grant applications (U01) for the purpose of educating students, public health professionals, and community outreach groups in the area of environmental health. The FOA also includes a research component that will speak to the issue of Priority Data Needs (PDN) for the Division of Toxicology and Environmental Medicine (DTEM). Applicants (for either the research component or the education component) for this FOA will establish a partnership with an appropriate community organization or research entity, jointly identifying the specific priority pollutant for any one of the ATSDR Priority Data Needs.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: J. Felix Rogers, Ph.D., M.P.H., NCIPC, CDC, 4770 Buford Highway, NE., M/S F62, Atlanta, Georgia 30341–3724, Telephone (770) 488–4334.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 2, 2009.

Lorenzo Falgiano,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–13407 Filed 6–8–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2009–0083]

Office of Operations Coordination; Homeland Security Information Network Advisory Committee

AGENCY: Department of Homeland Security.

ACTION: Committee management; request for applicants for appointment to the Homeland Security Information Network Advisory Committee.

SUMMARY: The Office of Operations Coordination at the Department of Homeland Security is requesting individuals who are interested in serving on the Homeland Security Information Network Advisory Committee (HSINAC) to apply for appointment. The HSINAC provides advice and makes recommendations to the leadership of the Department of Homeland Security, particularly the Director, Office of Operations Coordination, on the requirements of end users within State, Local, Federal and Tribal governments and the Private Sector regarding the Homeland Security Information Network (HSIN).

DATES: Applications for membership should reach the Department of Homeland Security at the address below on or before July 24, 2009.

ADDRESSES: If you wish to apply for membership, your application should be submitted to:

- *E-mail: hsinac@dhs.gov.*
- *Fax:* 202–282–8806.

FOR FURTHER INFORMATION CONTACT: HSINAC Designated Federal Officer, Gabrielle Gallegos at 202–282–8193.

SUPPLEMENTARY INFORMATION: The Homeland Security Information Network Advisory Committee is an advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (FACA) (Title 5, U.S.C., Annotated, Appendix 2).

HSINAC membership shall include not more than 20 representatives from State, Tribal and Local governments and the Private Sector, who are outstanding within their specialty field, and who have the experience to ensure the Director, and DHS leadership, is informed of the needs and requirements of the information network users and communities of users. Members will be drawn from currently serving Homeland Security Advisors; State, Tribal, or Local Law Enforcement; Federal Law Enforcement; the Fire Service; Public Health; Emergency Managers; Tribal government; and the Private Sector.

The committee will convene at least twice per year. Travel and per diem will be provided by the Department. Term length shall generally be up to 3 years, and the expiration of terms of office shall be staggered to promote continuity and an orderly turnover of committee membership.

A security clearance is preferred, but is not a requirement for appointment to the committee. Those applicants who do not have a security clearance may be required to undergo a background investigation.

HSINAC members will be appointed as Special Government Employees (SGEs) as such term is defined for purposes of 18 U.S.C. 202(a). Appointments will be made by the Department of Homeland Security Secretary who will receive recommendations from the Office of Operations Coordination Director.

Committee members serve as SGEs, and members are required to complete Confidential Financial Disclosure Reports (OGE Form 450). DHS may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

In order to apply, applicants must submit a detailed resume and bio covering their professional backgrounds, and a brief letter stating the applicant's interest in HSINAC membership and addressing the following issues:

- List previous or current service on any Federal advisory panel, committee, or subcommittee.
- Provide any public statements made about HSIN, if possible.
- Indicate degree of experience using HSIN and list the portals the applicant uses.
- Indicate willingness to serve at least two years on the committee.
- Indicate the community to which the applicant belongs (Homeland Security Advisors; State, Tribal, or Local Law Enforcement; Federal Law Enforcement; the Fire Service; Public Health; Emergency Managers; Tribal government; or the Private Sector).

It is recommended that applicants contact the HSINAC Designated Federal Officer prior to submitting application materials.

In support of the policy of the Department of Homeland Security on gender and ethnic diversity, qualified women and minorities are encouraged to apply for membership.

Dated: May 29, 2009.

Mary Kruger,

Chief of Staff, Office of Operations Coordination, U.S. Department of Homeland Security.

[FR Doc. E9–13515 Filed 6–8–09; 8:45 am]

BILLING CODE 9110–9A–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–526, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day notice of information collection under review: Form I–526, Immigrant Petition by Alien Entrepreneur; OMB Control No. 1615–0026.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until August 10, 2009.

During this 60-day period, USCIS will be evaluating whether to revise the Form I–526. Should USCIS decide to revise Form I–526 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form I–526.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., 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*. When submitting comments by e-mail, please add the OMB Control Number 1615–0026 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Immigrant Petition by Alien Entrepreneur.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–526. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. This form is used by the USCIS to determine if an alien can enter the U.S. to engage in commercial enterprise.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,368 responses at 1 hour and 15 minutes (1.25 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,710 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: June 4, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–13502 Filed 6–8–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–698, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day notice of information collection under review: Form I–698, Application to Adjust Status from Temporary to Permanent Resident; OMB Control No. 1615–0035.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until August 10, 2009.

During this 60-day period USCIS will be evaluating whether to revise the Form I–698. Should USCIS decide to revise the Form I–698 it will advise the public when it publishes the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form I–698.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., 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*. When submitting comments by e-mail please add the OMB Control Number 1615–0035 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Application to Adjust Status from Temporary to Permanent Resident.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–698. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. The data collected on this form is used by the USCIS to determine eligibility to adjust an applicant's residence status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,179 responses at 60 minutes (1 hour) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,179 annual burden hours.

If you need a copy of the information collection instrument, please visit: *http://www.regulations.gov/search/index.jsp.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, telephone number 202–272–8377.

Dated: June 4, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. E9–13504 Filed 6–8–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5311–N–02]

Notice of Availability: Notice of Funding Availability (NOFA) for American Recovery and Reinvestment Act Capital Fund Recovery Competition Grants; Corrections, Changes, and Clarifications

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: On May 7, 2009, HUD posted on its website its Notice of Funding Availability (NOFA) for HUD's American Recovery and Reinvestment Act Capital Fund Recovery Competition (CFRC) Grants. Through this document, HUD announces that it has posted on its Web site a revised NOFA that corrects, changes and clarifies a number of criteria established in the document posted on May 7, 2009. The corrections, changes, and clarifications to the NOFA include, among other items, the following: adding threshold funding caps in Categories 1, 2 and 3 for public housing agencies (PHAs) designated as High Performers; adding a rating factor on High Performer status to Category 4; amending the Capacity threshold requirement relating to the Capital Fund; clarifying the threshold requirement of Category 2, Public Housing Transformation, that deals with the census tract and the concentration of poverty; adding definitions of leverage and match and adding tie-breaking criteria based on leverage and match; amending the leverage ratio criteria in Category 1 required for Round 1 consideration; amending the Category 3 threshold requirement to require that any demolition and/or disposition applications had to be submitted to HUD no later than the date of the publication of the revised NOFA; and clarifying certain other Category 4 rating factors and funding limits. Please see the revised NOFA document for all the corrections, changes, and clarifications made. To permit applicants time to prepare applications that take into account these and other changes incorporated in the revised NOFA, HUD is revising the application deadline dates for each funding category: For Threshold-Based applications (Categories 1, 2 and 3), the Department will assign the first Ordinal on July 6, 2009; but will begin accepting applications on June 22, 2009. For Rated and Ranked applications (Category 4), the deadline date for applications is July 29, 2009, but HUD will begin accepting applications on June 22, 2009. The NOFA which reflects these changes, corrections and clarifications is available on the HUD Web site at: *http://www.hud.gov/recovery* (which connects to the Office of Capital Improvements Web site, *http://www.hud.gov/offices/pih/programs/ph/capfund/ocir.cfm*).

FOR FURTHER INFORMATION CONTACT: If you have a question or need a clarification, you may contact the Office of Capital Improvements by sending an email message to *PIHOCI@hud.gov.* Please see *http://www.hud.gov/offices/pih/programs/ph/capfund/ocir.cfm,* which can be accessed from *http://www.hud.gov/recovery/*, for additional information.

Dated: June 3, 2009.

Dominique G. Blom,

Deputy Assistant Secretary for Public Housing Investments.

[FR Doc. E9–13525 Filed 6–5–09; 11:15 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–06A]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program; Technical Correction

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice of technical correction.

SUMMARY: On May 22, 2009, HUD posted on its Web site its Notice of Funding Availability (NOFA) for HUD's FY2009 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program. Today's **Federal Register** publication announces that HUD has posted on its Web site a revised NOFA that corrects Appendix A of the NOFA and extends the deadline for submitting waiver requests to reduce the statutory match. Specifically, HUD inadvertently omitted a number of jurisdictions that are eligible for the FY2009 Lead Hazard Reduction Demonstration Grant Program from part A of Appendix A, entitled ''Cities, Towns, Counties, and States Having at Least One Place or County with 3,500 or More Occupied Rental Housing Units Built Before 1940, and Eligible States and Tribes.'' The revised Appendix A is available at *http://www.hud.gov/offices/lead/09NOFA/leadcombo.cfm.* In addition, in order to provide equal opportunity to all eligible applicants, the deadline for submitting waiver requests to reduce the statutory match amount from 25% to 10% is being extended from June 10, 2009 to June 23, 2009. The period for HUD to review the requests is extended from June 22, 2009 to June 30, 2009. The deadline for receipt of the applications in HUD headquarters remains 5:00 PM eastern time July 20, 2009.

FOR FURTHER INFORMATION CONTACT: For information concerning the Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program, contact Warren Friedman, Senior Advisor to the Director, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8236, Washington, DC 20410–3000; telephone number 202–402–7574 (this is not a toll-free number). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service during working hours at 800–877–8339.

Dated: June 3, 2009.

Jon L. Gant,

Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. E9–13527 Filed 6–5–09; 11:15 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Office of Policy Analysis; Proposed Information Collection; Non-use Valuation Survey, Klamath Basin

AGENCY: U.S. Department of the Interior.

ACTION: Notice; request for comments.

SUMMARY: We (The Department of the Interior) will ask the Office of Management and Budget (OMB) to approve the Information Collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. We 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.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior, Office of Policy Analysis, Attention: Don Bieniewicz, Mail Stop 3530; 1849 C Street, NW., Washington,

DC 20240. If you wish to e-mail comments, the e-mail address is *Donald_Bieniewicz@ios.doi.gov.* Reference ''Klamath non-use value survey'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

DATES: Public comments will be accepted on or before August 10, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Benjamin Simon, Acting Director, Office of Policy Analysis, U.S. Department of the Interior telephone at 202–208–5978 or by e-mail at *Benjamin_Simon@ios.doi.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Klamath River provides habitat for fall and spring run Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), steelhead trout (*Oncorhynchus mykiss*), green sturgeon (*Acipenser medirostris*), Pacific lamprey (*Lampetra tridentate*), and Pacific eulachon (*Thaleichthys pacificus*). Some of these species are important components of non-tribal harvest (*e.g.,* fall Chinook, steelhead), some have important subsistence and cultural value to Klamath Basin tribes (*e.g.,* salmon, sturgeon, lamprey, eulachon), and some are at low levels of abundance or ESA-listed (*e.g.,* spring Chinook, lamprey, coho, eulachon). In addition to its importance as fish habitat, the Klamath River also provides water to agriculture through the Bureau of Reclamation's Klamath Irrigation Project. Oversubscription of Klamath water has thwarted recovery of depressed fish stocks and led to economic hardship for farming and fishing communities—prompting federal disaster relief for farmers in 2001 and for fishermen in 2006.

In November 2008 the U.S. Government, the States of Oregon and California, and the utility company PacifiCorp signed an agreement in principle (AIP) to remove four hydroelectric dams on the Klamath River by 2020. Dam removal is being considered a viable alternative to volitional fish passage (ladders and screens), which was being considered by the Federal Energy Regulatory Commission (FERC) as a condition for relicensing of PacifiCorp's hydroelectric project. Parties to the AIP are working with stakeholders (including tribes, fishers, farmers, conservation groups, and local governments) to reach a final agreement that would result in the largest dam removal project in U.S. history. If achieved, this agreement will be part of a comprehensive solution to species recovery, water allocation, and water quality problems in the Klamath Basin.

In October 2011 the Secretary of the Interior is expected to make a final determination regarding dam removal, contingent on results of an economic analysis that will address benefits, costs, and distributional effects of dam removal relative to volitional fish passage.

Dam removal is expected to have positive long-term effects on the viability of fish populations and other aspects of the Klamath Basin ecosystem. Benefits of these environmental improvements include ''non-use values,'' which accrue to members of the public who value such improvements regardless of whether they ever consume Klamath fish or visit the Klamath Basin. An information collection is planned in order to implement a state-of-the-art non-use valuation survey of the U.S. public that addresses the incremental environmental improvements of dam removal relative to volitional fish passage. This data collection is intended to address one component of an economic analysis that will include all costs and benefits of dam removal relative to volitional fish passage.

	Estimated number of burden hours	Responses
Klamath non-use value survey	3,000	6,000

II. Data

OMB Control Number: None. This is a new collection.

Title: Non-Use Valuation Survey, Klamath River Dam Removal.

Form Number(s): None.

Type of Request: New.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

Estimate Annual Number of Respondents: 6,000.

Estimated Total Annual Responses: 6,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 3,000.

III. Request for Comments

We invite comments concerning this IC on: (1) Whether or not the collection of information is necessary, including whether or not the information will have practical utility; (2) the accuracy of our estimate of the burden for this collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents. Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 3, 2009.

Benjamin M. Simon,

Acting Director, Office of Policy Analysis, U.S. Department of the Interior.

[FR Doc. E9–13376 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Agency Information Collection; Activities Under OMB Review; Comment Request

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of renewal of a currently approved collection (OMB No. 1006–0006).

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces the Bureau of Reclamation (we, our, or us) has forwarded the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval: Certification Summary Form, Reporting Summary Form for Acreage Limitation, 43 CFR part 426 and 43 CFR part 428, OMB Control Number: 1006–0006. This ICR is required under the Reclamation Reform Act of 1982 (RRA), Acreage Limitation Rules and Regulations, 43 CFR part 426, and Information Requirements for Certain Farm Operations In Excess of 960 Acres and the Eligibility of Certain Formerly Excess Land, 43 CFR part 428. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comments must

be received on or before August 10, 2009 to assure maximum consideration.

ADDRESSES: You may send written comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the Desk Officer for the Department of the Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile to (202) 395–5806 or e-mail to *OIRA_DOCKET@omb.eop.gov.* A copy of your comments should also be directed to the Bureau of Reclamation, Attention: 84–53000, PO Box 25007, Denver, CO 80225–0007.

FOR FURTHER INFORMATION CONTACT: Stephanie McPhee at: (303) 445–2897.

SUPPLEMENTARY INFORMATION:

Title: Certification Summary Form, Reporting Summary Form for Acreage Limitation, 43 CFR part 426 and 43 CFR part 428.

Abstract: These forms are to be used by district offices to summarize individual landholder (direct or indirect landowner or lessee) and farm operator certification and reporting forms as required by the RRA, 43 CFR part 426, and 43 CFR part 428. This information allows us to establish water user compliance with Federal reclamation law.

Changes to the RRA forms and the instructions to those forms. Minor editorial changes were made to the currently approved RRA forms and the instructions to those forms prior to the 60-day comment period initiated by the notice published in the **Federal Register** (73 FR 63508, Oct. 24, 2008). Those changes were designed to assist the respondents by increasing their understanding of the forms, clarifying the instructions for use when completing the forms, and clarifying the information that is required to be submitted to the districts with the forms. We received no public comments from the 60-day public comment period. The proposed revisions to the RRA forms will be included starting in the 2010 water year.

Frequency: Annually.

Respondents: Contracting entities that are subject to the acreage limitation provisions of Federal reclamation law.

Estimated Total Number of Respondents: 210.

Estimated Number of Responses per Respondent: 1.25.

Estimated Total Number of Annual Responses: 263.

Estimated Total Annual Burden on Respondents: 10,520 hours.

ESTIMATE OF BURDEN FOR EACH FORM

Form No.	Estimated number of respondents	Frequency of response	Total annual responses	Burden hours per response	Total burden hours
7–21SUMM–C and tabulation sheets	174	1.25	218	40	8,720
7–21SUMM–R and tabulation sheets	36	1.25	45	40	1,800
Total	210	1.25	263		10,520

Comments. Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) the accuracy of our burden estimate for the proposed collection of information;

(c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

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. Reclamation will display a valid OMB control number on the RRA forms. A **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published in the **Federal Register** (73 FR 63508, Oct. 24, 2008). No public comments were received.

OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comment should be submitted to OMB within 30 days in order to assure maximum consideration.

Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 21, 2009.

Richard W. Rizzi,

Acting Director, Program and Policy Services, Denver Office.

[FR Doc. E9–13413 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0061

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request renewed approval for the collection of information for 30 CFR part 795—Permanent Regulatory Program—Small Operator Assistance Program (SOAP). This collection request has been forwarded to the Office of Management and Budget (OMB) for review and approval. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 9, 2009, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, by telefax at (202) 395–5806 or via e-mail to *OIRA_Docket@omb.eop.gov.* Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement,

1951 Constitution Ave., NW., Room 202–SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact John A. Trelease at (202) 208–2783. You may also contact Mr. Trelease electronically at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR 795—Permanent Regulatory Program—Small Operator Assistance Program (SOAP). OSM is requesting a 3-year term of approval for the 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 number for this collection of information is 1029–0061. Response is required to obtain a benefit.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on March 10, 2009 (74 FR 10275). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: 30 CFR Part 795—Permanent Regulatory Program—Small Operator Assistance Program.

OMB Control Number: 1029–0061.

Summary: This information collection requirement is needed to provide assistance to qualified small mine operators under section 507(c) of Public Law 95–87. The information requested will provide the regulatory authority with data to determine the eligibility of the applicant and the capability and expertise of laboratories to perform required tasks.

Bureau Form Number: FS–6.

Frequency of Collection: Once per application.

Description of Respondents: Small operators, laboratories, and State regulatory authorities.

Total Annual Responses: 4.

Total Annual Burden Hours: 93 hours.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the places listed under **ADDRESSES**. Please refer to control number 1029–0061 in your correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 1, 2009.

Alfred E. Whitehouse,

Acting Chief Division of Regulatory Support.

[FR Doc. E9–13310 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

American Indian/Alaska Native Population and Labor Force Estimate Report

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: The Bureau of Indian Affairs (BIA) is submitting the information collection on the American Indian/Alaska Native Population and Labor Force Estimate Report for review and reinstatement as required by the Paperwork Reduction Act. The OMB Control Number is 1076–0147. This collection expired while we were revising the report to be more accurate.

DATE: Submit comments on or before July 9, 2009.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an e-mail to: *OIRA_DOCKET@ omb.eop.gov.* Please send a copy of your comments to Ms. Lynn Forcia, Office of Indian Energy and Economic Development, Department of the Interior, 1951 Constitution Avenue, NW., MS 321 SIB, Washington, DC 20245. Facsimile (202) 208–6991.

FOR FURTHER INFORMATION CONTACT: You may request further information or obtain copies of the information collection request submission from Ms. Lynn Forcia, Telephone (202) 219–5270.

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection is mandated by Congress through Public Law 102–477, Indian Employment, Training and Related Services Demonstration Act (Act) of 1992, section, 17. The Act requires the Secretary to develop, maintain and publish, not less than biennially, a consolidated report on the population by gender, income level, age, and availability for work. The consolidated report will be submitted to the Senate Indian Affairs Committee, as required by the Act and other Federal agencies. The consolidated report will also be available to Indian tribes and the general public, upon request.

The OMB Control Number for this information collection is 1076–0147. Approval for this information collection expired on July 31, 2008, while BIA was revising the report to make it more accurate; therefore, the BIA is submitting the information collection for reinstatement. A request for comments on this information collection request appeared in the **Federal Register** on Tuesday, September 16, 2008 (73 FR 53441). No comments were received in response to the announcement.

II. Request for Comments

The BIA requests that you send your comments on this collection to the two locations listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section, Room 320–SIB, during the hours of 8 a.m. through 4 p.m., EST, Monday through Friday except for legal holidays. OMB has up to 60 days to make a decision on the submission for renewal, but may make the decision after 30 days. Therefore, to receive the best consideration of your comments, you should submit them during the first 30-day period.

Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Approval Number: 1076–0147.

Title: American Indian/Native American Population and Labor Force Estimate Report.

Brief Description of Collection: Public Law 102–477, Indian Employment, Training and Related Services Demonstration Act of 1992 mandates the Secretary publish, not less than biennially, a report on the American Indian and Alaska Native population eligible for services by gender, income level, age, and availability for work. The process for collecting data includes the use of a paper data submission form with written instructions to be filled out by tribes and then certified at the tribal level. Response to this information collection is voluntary.

Type of review: Reinstatement.

Respondents: American Indian Tribes.

Number of Respondents: 562.

Estimated Time per Response: 8 hours.

Frequency of Response: Biennially.

Total Annual Burden to Respondents: 2,248 hours (4,496 hours biennially).

Dated: June 2, 2009.

Alvin Foster,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. E9–13367 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–4M–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan and Environmental Impact Statement, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, TX

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the general management plan (GMP), Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) is preparing an environmental impact statement for a general management plan for Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, Texas. The environmental impact statement will be approved by the Director, Intermountain Region.

The general management plan will prescribe the resource conditions and visitor experiences that are to be achieved and maintained in the national recreation area and the national monument over the next 15 to 20 years. The clarification of what must be achieved according to law and policy will be based on review of the national recreation area and the national monument's purpose, significance, special mandates, and the body of laws and policies directing management at NPS units. Based on determinations of desired conditions, the general management plan will outline the kinds of resource management activities, visitor activities, and development that would be appropriate in the future. A range of reasonable management alternatives will be developed through this planning process and will include, at a minimum, a no-action and a preferred alternative.

The NPS is required to prepare a GMP for all NPS units. The last management plan prepared for Lake Meredith National Recreation Area was completed in 1985 and the last masterplan prepared for Alibates Flint Quarries National Monument was completed in 1978. These plans do not address changes in recreational use patterns related to changes in the water level at Lake Meredith, current resource management and visitor access issues at either unit, or current NPS park planning standards or NPS management policies. Because the national recreation area and the national monument are managed jointly, a single GMP will be prepared to cover both units.

Issues to be addressed will include, but are not limited to the following: The management of visitor use and access into the national recreation area and the national monument, as well as facilities, interpretation, natural and cultural resources, and operations in the national recreation area and national monument.

A scoping newsletter will be prepared that describes the issues identified to date. Copies of the newsletter may be obtained at the Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument Headquarters 419 E. Broadway, Fritch, Texas 79036, Phone: 806–857–3151, the Alibates Flint Quarries National Monument Visitor Contract Station on Cas Johnson Road, the national recreation area Web site *http://www.nps.gov/lamr,* or on the Planning, Environment, and Public Comment (PEPC) Web site at *http://parkplanning.nps.gov/lamr.*

DATES: Any comments on the scope of issues to be addressed in the plan should be submitted no later than 60 days after publication of this notice. In addition to the newsletter, public meetings regarding the general management plan will be held during the scoping period. Specific dates, times, and locations will be made available in the local media, on the National Park Service Planning, Environment, and Public Comment (PEPC) Web site (*http://parkplanning.nps.gov/lamr*), or by contacting the Superintendent of Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument.

ADDRESSES: Information will be available for public review and comment online at *http://parkplanning.nps.gov/lamr,* at the Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument Headquarters 419 E. Broadway, Fritch, Texas 79036, Phone: 806–857–3151.

FOR FURTHER INFORMATION CONTACT: Cindy Ott-Jones, Superintendent, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument Headquarters P.O. Box 1460, Fritch, Texas 79036, Phone: 806–857–3151 or by e-mail at *LAMR_GMP@nps.gov.*

SUPPLEMENTARY INFORMATION: Public and agency involvement will be solicited at several key steps in the planning process including initial scoping,

alternatives development, and the draft plan. If you wish to comment on any issues associated with the plan, you may submit your comments to the planning team by any one of several methods. You may mail comments to Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, Office of the Superintendent, P.O. Box 1460, Fritch, Texas 79036. You may also comment via the Internet at *http://parkplanning.nps.gov/lamr.* Finally, you may hand-deliver comments to the headquarters building at 419 E. Broadway, Fritch, Texas 79036. 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. In addition, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: January 12, 2009.

Michael D. Snyder,

Director, Intermountain Region, National Park Service.

Editorial Note: This document was received in the Office of the Federal Register on June 3, 2009.

[FR Doc. E9–13326 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–3A–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDB00000 L11500000.CB0000 LXSS024D0000: 4500007763]

Notice of Public Meeting, Boise District Resource Advisory Council Working Group

AGENCY: Bureau of Land Management, U.S. Department of the Interior.

ACTION: Notice of public meeting.

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) Boise District Resource Advisory Council (RAC) Working Group and Subgroups will meet as indicated below.

DATES: The RAC-formed Payette River System Working Group will meet in Boise, Idaho on June 30, 2009. The meeting location is the BLM Boise District Offices, 3948 S. Development Avenue, Boise, Idaho, beginning at 6:30 p.m. (MST). Additional Subgroups of the RAC will meet periodically between the regular quarterly RAC meetings and present recommendations for discussion and action. All Subgroup meetings are open to the public, and notification of these meetings will be provided to the public through local media outlets.

Contact: MJ Byrne, Public Affairs Officer and RAC Coordinator, BLM Boise District, 3948 Development Ave., Boise, ID 83705. Telephone: (208) 384–3393. E-mail: *mary_j_byrne@blm.gov.*

SUPPLEMENTARY INFORMATION: The BLM Boise District and U.S. Forest Service Boise National Forest (BNF), who jointly manage the Payette River System, chartered this Working Group under the RAC in order to reach out to user groups and the public to provide advice to the agencies to help address management challenges. The Working Group meets once a year to review the previous season's accomplishments and proposed projects and to offer recommendations through the RAC to the BLM Boise District and BNF. Agenda items and locations may change due to changing circumstances. All meetings are open to the public. The public may present written comments to the Working Group and Subgroups. The Working Group and Subgroup meetings will also have time 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. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation, or other reasonable accommodations, should contact the BLM Coordinator as provided above. Expedited publication is requested to give adequate public notice.

Dated: June 2, 2009.

Aden L. Seidlitz,

District Manager.

[FR Doc. E9–13416 Filed 6–8–09; 8:45 am]

BILLING CODE 4310–GG–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–677]

In the Matter of Certain Course Management System Software Products; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 17, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Blackboard Inc. of Washington, DC. Supplements to the complaint were filed on May 6 and May 14, 2009. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain course management system software products that infringe certain claims of U.S. Patent No. 6,988,138. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue exclusion orders and cease and desist orders.

ADDRESSES: The complaint and supplements, except for any confidential information contained therein, are 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., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *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.*

FOR FURTHER INFORMATION CONTACT: Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2055.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2008).

Scope of Investigation: Having considered the complaint, the U.S.

International Trade Commission, on June 3, 2009, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain course management system software products that infringe one or more of claims 36–44 of U.S. Patent No. 6,988,138, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; [1]

(2) For the purpose of the investigation so instituted, the following is hereby named as a party upon which this notice of investigation shall be served:

(a) The complainant is—Blackboard Inc., 650 Massachusetts Avenue, NW., Washington, DC 20001.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Desire2Learn Incorporated, 305 King Street West, Suite 200, Kitchener, Ontario, Canada N2G 1B9.

(c) The Commission investigative attorney, party to this investigation, is Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436; and

(3) For the investigation so instituted, Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Commission notes that the asserted patent is currently involved in a reexamination proceeding at the U.S. Patent and Trademark Office and an appellate proceeding before the Court of Appeals for the Federal Circuit. In instituting this investigation the Commission has not made any determination as to whether a stay is warranted. However, the presiding administrative law judge may wish to consider whether a stay is warranted at an early date in this proceeding. Any such decision regarding the motion to stay the investigation should be issued in the form of an initial determination (ID). The ID will become the Commission's final determination 45 days after the date of service of the ID unless the Commission determines to review the ID. Any petitions for review of the ID must be filed within ten (10) days after service thereof. Any review will be conducted in accordance with Commission Rules 210.43, 210.44 and 210.45, 19 CFR 210.43, 210.44, and 210.45.

The instant complaint also raises questions relating to, *inter alia*, (1) the scope of coverage under Section 337, and (2) possible claim preclusion with respect to claims 36–44 of the asserted '138 patent in light of prior district court contempt proceeding and a pending appeal before the Federal Circuit. As with other investigations commenced pursuant to Section 337, the institution of the requested investigation by the Commission does not constitute a determination on the merits of these or other issues that may arise in the investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting a response to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 3, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–13381 Filed 6–8–09; 8:45 am]

BILLING CODE 7020–02–P

[1] The Commission has determined not to institute an investigation with respect to claims 1–35 as these claims are the subject of a valid and final judgment of invalidity issued by the district court for the Eastern District of Texas.

INTERNATIONAL TRADE COMMISSION

[USITC SE–09–017]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 18, 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. No. TA–421–7 (Market Disruption) (Certain Passenger Vehicle and Light Truck Tires from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination on market disruption to the President and the United States Trade Representative by July 9, 2009.)
5. 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.

By order of the Commission.

Issued: June 5, 2009.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E9–13555 Filed 6–5–09; 4:15 pm]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (a portion of which will be open to the public) in Washington, DC at the Office of Professional Responsibility on June 29 and June 30, 2009.

DATES: Monday, June 29, 2009, from 9 a.m. to 5 p.m., and Tuesday, June 30, 2009, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Internal Revenue Service Building, 1111 Constitution Avenue, NW., Room 7718, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202–622–8225.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in the Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC on Monday, June 29, 2009, from 9 a.m. to 5 p.m., and Tuesday, June 30, 2009, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the May 2009 Basic (EA–1) and Pension (EA–2B) Joint Board Examinations in order to make recommendations relative thereto, including the minimum acceptable pass score. Topics for inclusion on the syllabus for the Joint Board's examination program for the November 2009 Pension (EA–2A) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the May 2009 Joint Board examinations fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1 p.m. on June 29 and will continue for as long as necessary to complete the discussion, but not beyond 3 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements must notify the Executive Director in writing prior to the meeting in order to aid in scheduling the time available and must submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. All other persons planning to attend the public session must also notify the Executive Director in writing to obtain building entry. Notifications of intent to make an oral statement or to attend must be faxed, no later than June 19, 2009, to 202–622–8300, Attn: Executive Director. Any interested person also may file a written statement for consideration by the Joint Board and the Committee by sending it to the Executive Director: Joint Board for the Enrollment of Actuaries, c/o Internal Revenue Service, Attn: Executive Director SE:OPR, Room 7238, 1111 Constitution Avenue, NW., Washington, DC 20224.

Dated: May 26, 2009.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. E9–13517 Filed 6–8–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

This is notice that on January 28, 2009, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of Coca Leaves (9040), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance for the manufacture of a bulk controlled substance for distribution to its customer.

No comments, objections, or requests for any hearings will be accepted on any application for registration or re-registration to import coca leaves. As explained in the Correction to Notice of Application pertaining to Rhodes Technologies, 72 FR 3417 (2007), comments and requests for hearings on applications to import narcotic raw material are not appropriate.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedule I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, VA 22152; and must be filed no later than July 9, 2009.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975 (40 FR 43745), all applicants for registration to import a basic class of any controlled substances in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13353 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21 Code of Federal Regulations (CFR), 1301.34(a), this is notice that on March 18, 2009, Research Triangle Institute, Kenneth H. Davis Jr., Hermann Building, East Institute Drive, P.O. Box 12194, Research Triangle, North Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
1-(1-Phenylcyclohexyl)pyrrolidine (7458).	I
1-[1-(2-Thienyl)cyclohexy]piperidine (7470).	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (7473).	I

Drug	Schedule
1-Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine (9663).	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
2,5-Dimethoxyamphetamine (7396).	I
3,4,5-Trimethoxyamphetamine (7390).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxymethamphetamine (7405).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3-Methylfentanyl (9813)	I
3-Methylthiofentanyl (9833)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
4-Methylaminorex (cis isomer) (1590).	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
5-Methoxy-N,N-diisopropyltryptamine (7439).	I
Acetorphine (9319)	I
Acetyl-alpha-methylfentanyl (9815).	I
Acetyldihydrocodeine (9051)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603).	I
Alpha-ethyltryptamine (7249)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Alpha-methylfentanyl (9814)	I
Alpha-methylthiofentanyl (9832)	I
Alpha-methyltryptamine (7432)	I
Aminorex (1585)	I
Benzethidine (9606)	I
Benzylmorphine (9052)	I
Betacetylmethadol (9607)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Beta-hydroxyfentanyl (9830)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Bufotenine (7433)	I
Cathinone (1235)	I
Clonitazene (9612)	I
Codeine methylbromide (9070)	I
Codeine-N-Oxide (9053)	I
Cyprenorphine (9054)	I
Desomorphine (9055)	I
Dextromoramide (9613)	I
Diampromide (9615)	I
Diethylthiambutene (9616)	I
Diethyltryptamine (7434)	I
Difenoxin (9168)	I
Dihydromorphine (9145)	I
Dimenoxadol (9617)	I
Dimepheptanol (9618)	I
Dimethylthiambutene (9619)	I
Dimethyltryptamine (7435)	I
Dioxaphetyl butyrate (9621)	I
Dipipanone (9622)	I
Drotebanol (9335)	I
Ethylmethylthiambutene (9623)	I
Etonitazene (9624)	I
Etorphine except HCl (9056)	I
Etoxeridine (9625)	I
Fenethylline (1503)	I
Furethidine (9626)	I
Gamma Hydroxybutyric Acid (2010).	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Hydroxypethidine (9627)	I
Ibogaine (7260)	I
Ketobemidone (9628)	I
Levomoramide (9629)	I
Levophenacylmorphan (9631)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Mecloqualone (2572)	I
Mescaline (7381)	I
Methaqualone (2565)	I
Methcathinone (1237)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Morpheridine (9632)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I
Morphine-N-Oxide (9307)	I
Myrophine (9308)	I
N,N-Dimethylamphetamine (1480)	I
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (9834).	I
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (9818).	I
N-Benzylpiperazine (7493)	I
N-Ethyl-3-piperidyl benzilate (7482).	I
N-Ethylamphetamine (1475)	I
N-Ethyl-l-phenylcyclohexylamine (7455).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
Nicocodeine (9309)	I
Nicomorphine (9312)	I
N-Methyl-3-piperidyl benzilate (7484).	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Normorphine (9313)	I
Norpipanone (9636)	I
Para-Fluorofentanyl (9812)	I
Parahexyl (7374)	I
Peyote (7415)	I
Phenadoxone (9637)	I
Phenampromide (9638)	I
Phenomorphan (9647)	I
Phenoperidine (9641)	I
Pholcodine (9314)	I
Piritramide (9642)	I
Proheptazine (9643)	I
Properidine (9644)	I
Propiram (9649)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Racemoramide (9645)	I
Tetrahydrocannabinols (7370)	I
Thebacon (9315)	I
Thiofentanyl (9835)	I
Tilidine (9750)	I
Trimeperidine (9646)	I
Thiofentanyl (9835)	I
1-Phenylcyclohexylamine (7460)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Alfentanil (9737)	II
Alphaprodine (9010)	II
Amobarbital (2125)	II
Amphetamine (1100)	II
Anileridine (9020)	II
Bezitramide (9800)	II
Carfentanil (9743)	II
Coca Leaves (9040)	II
Cocaine (9041)	II
Codeine (9050)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Dihydrocodeine (9120)	II
Dihydroetorphine (9334)	II
Diphenoxylate (9170)	II
Ethylmorphine (9190)	II
Etorphine Hcl (9059)	II
Fentanyl (9801)	II
Glutethimide (2550)	II
Hydrocodone (9193)	II
Hydromorphone (9150)	II
Isomethadone (9226)	II
Levo-alphacetylmethadol (9648)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Lisdexamfetamine (1205)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Metopon (9260)	II
Moramide intermediate (9802)	II
Morphine (9300)	II
Nabilone (7379)	II
Opium, raw (9600)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, granulated (9640)	II
Oxycodone (9143)	II
Oxymorphone (9652)	II
Pentobarbital (2270)	II
Phenazocine (9715)	II
Phencyclidine (7471)	II
Phenmetrazine (1631)	II
Phenylacetone (8501)	II
Piminodine (9730)	II
Powdered opium (9639)	II
Racemethorphan (9732)	II
Racemorphan (9733)	II
Remifentanil (9739)	II
Secobarbital (2315)	II
Sufentanil (9740)	II
Thebaine (9333)	II

The company plans to import small quantities of the listed controlled substances for the National Institute on Drug Abuse (NIDA) for research activities.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections being sent via regular mail should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), Washington, DC 20537, or any being sent via express mail should be sent to Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than July 9, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e) and (f). As noted in a previous notice published in the Federal Register on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substances in schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13357 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2), authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21, Code of Federal Regulations (CFR), 1301.34(a), this is notice that on January 5, 2009, Mylan Pharmaceuticals Inc., 781 Chestnut Ridge Road, Morgantown, West Virginia 26505, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Methylphenidate (1724)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances for analytical research and clinical trials.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43, and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than July 9, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substance in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13360 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2), authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21 Code of Federal Regulations (CFR), 1301.34(a), this is notice that on January 5, 2009, Mylan Technologies Inc., 110 Lake Street, Saint Albans, Vermont 05478, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Methylphenidate (1724)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances for analytical research and clinical trials.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43, and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than July 9, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substance in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements

for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13354 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 18, 2009, Norac Inc., 405 S. Motor Avenue, P.O. Box 577, Azusa, California 91702–3232, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Nabilone (7379), a basic class of controlled substance listed in schedule II.

The company plans to manufacture bulk controlled substances for use in product development and for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such a substance, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than August 10, 2009.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13351 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 9, 2009, and published in the **Federal Register** on January 21, 2009, (74 FR 3642), Johnson Matthey Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066–1742, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I
Propiram (9649)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Johnson Matthey Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Johnson Matthey Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13355 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 9, 2009, and published in the **Federal Register** on January 21, 2009, (74 FR 3643), Organix Inc., 240 Salem Street, Woburn, Massachusetts 01801, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Cocaine (9041)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers for research purposes.

No comments or objections have been received. DEA has considered the factors in 21 USC 823(a) and determined that the registration of Organix Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Organix Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13359 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 13, 2009, and published in the **Federal Register** on February 20, 2009, (74 FR 7924), Sigma Aldrich Research Biochemicals, Inc., 1–3 Strathmore Road, Natick,

Massachusetts 01760–2447, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Aminorex (1585)	I
Gamma Hydroxybutyric Acid (2010).	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (MDMA) (7405).	I
Psilocybin (7437)	I
5-Methoxy-N,N-diisopropyltryptamine (7439).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (TCP) (7470).	I
1-Benzylpiperazine (BZP) (7493)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Ecgonine (9180)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Sigma Aldrich Research Biochemicals, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Sigma Aldrich Research Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13358 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 9, 2009, and published in the **Federal Register** on January 21, 2009 (74 FR 3643), Mallinckrodt Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Norlevorphanol (9634)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine HCL (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Metopon (9260)	II
Dextropropoxyphene, bulk (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Opium, granulated (9640)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances for internal use and for sale to other companies.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Mallinckrodt Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Mallinckrodt Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: June 3, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–13356 Filed 6–8–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,865]

Seel Tool and Die, St. Marys, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 29, 2009, in response to a petition filed on behalf of workers of Seel Tool and Die, St. Marys, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13472 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,848]

MAG Automation and Controls, Machesney Park, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 24, 2009, in response to a petition filed on behalf of workers at MAG Automation and Controls, Machesney Park, Illinois.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 7th day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13461 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,331]

Trueseal Technologies, Barbourville, KY; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 27, 2009, in response to a petition filed by on behalf of workers of Truseal Technologies, Barbourville, Kentucky.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 5th day of May, 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13443 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,565]

Chrysler Quality Engineering Center, Auburn Hills, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 11, 2009, in response to a petition filed on behalf of workers at Chrysler Quality Engineering Center, Auburn Hills, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 4th day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13445 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,843]

Solar World, Vancouver, WA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 23, 2009, in response to a worker petition filed on behalf of workers at Solar World, Vancouver, Washington.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 4th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13459 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,838]

C & W Industries, Inc., Malden, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 22, 2009, in response to a worker petition filed by a company official on behalf of workers at C & W Industries, Inc., Malden, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 8th day of May 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13458 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,834]

Boise Cascade, LLC, Elgin, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 20, 2009, in response to a petition filed by an Oregon One Stop Operator on behalf of the workers of Boise Cascade, LLC, Elgin, Oregon.

The petitioner requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 7th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13456 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,787]

Stand By Screw Machine, Incorporated, Berea, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 13, 2009, in response to a petition filed on behalf of workers of Stand By Screw Machine, Incorporated, Berea, Ohio.

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 8th day of May, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13452 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,772]

Snorkel International, Inc., Elwood, KS; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 8, 2009, in response to a petition filed on behalf of workers of Snorkel International, Inc., Elwood, Kansas.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 5th day of May, 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13450 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,761]

True Temper Sports, Inc., Amory, MS; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 7, 2009, in response to a worker petition filed on behalf of workers at True Temper Sports, Inc., Amory, Mississippi.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 5th day of May 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13449 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,734]

Meridian Automotive Systems, Plant 5, Grand Rapids, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 2, 2009, in response to a petition filed by a company official on behalf of workers at Meridian Automotive Systems, Plant 5, Grand Rapids, Michigan. The workers at the subject facility produce injection molded plastic parts.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 8th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13448 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,642]

Hella Corporate Center, USA, Flora, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 20, 2009, in response to a petition filed by an Illinois State agency representative on behalf of workers of Hella Corporate Center, USA, Flora, Illinois.

The petitioning group of workers is covered by an active certification (TA–W–64,221 as amended) which expires on January 9, 2011. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 6th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13447 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,571]

Chrysler LLC, Warren Office Building, Warren, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 12, 2009, in response to a petition filed on behalf of workers at Chrysler LLC, Warren Office Building, Warren, Michigan. The workers at the subject facility are engaged in activities related to the production of motor vehicles and parts.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 5th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13446 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,863]

Watry Industries, Inc., Sheboygan, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 29, 2009, in response to a petition filed by a Wisconsin State, One-Stop Operator on behalf of workers of Watry Industries, Inc., Sheboygan, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 6th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13470 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,862]

BU Professional Luminaries NA, Burlington, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 28, 2009, in response to a petition filed by the IUE–CWA Region Seven union on behalf of workers of BU Professional Luminaries NA, Burlington, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of May, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13469 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,861]

Wesley Hall Furniture, Inc., Hickory, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 28, 2009, in response to a worker petition filed on behalf of workers of Wesley Hall Furniture, Inc., Hickory, North Carolina.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 6th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13468 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,860]

Manitowoc Tool and Machine, LLC, Manitowoc, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 28, 2009, in response to a petition filed by a one-stop operator on behalf of workers of Manitowoc Tool and Machine, LLC, Manitowoc, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of May 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13467 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,857; TA–W–65,857A; TA–W–65,857B]

Steelcase, Inc., Kentwood, MI; Steelcase University, Grand Rapids, MI; Steelcase, Inc., Caledonia, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 28, 2009, in response to a petition filed by a company official on behalf of workers of Steelcase, Inc., Kellwood, Michigan (TA–W–65,857), Steelcase University, Grand Rapids, Michigan (TA–W–65,857A), and Steelcase, Inc., Caledonia, Michigan (TA–W–65,857B).

The petitioner has requested that the petition be withdrawn. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 5th day of May, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13466 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,855]

Horizon Hobby, Inc, Ontario, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 28, 2009, in response to a petition filed by a company official on behalf of all workers at Horizon Hobby, Inc, Ontario, California.

The petitioner requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 6th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13465 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,854]

Sypris Technologies, Marion, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 27, 2009, in response to a petition filed on behalf of workers at Sypris Technologies, Marion, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 1st day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13464 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,851]

Precise Engineering, Lowell, MI; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 27, 2009, in response to a petition filed by a Michigan One-Stop Operator on behalf

of workers of Precise Engineering, Lowell, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 1st day of May, 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13463 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,849]

Stimson Lumber Company, Clatskaine, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 24, 2009, in response to a petition filed by Woodworkers/IAM Local Lodge W536 on behalf of all workers at Stimson Lumber Company, Clatskaine, Oregon.

The petitioner requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 6th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13462 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,864]

Baker Furniture, Hickory, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 29, 2009, in response to a worker petition filed by workers of Baker Furniture, Hickory, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 8th day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13471 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,496]

Ovonic Energy Products, Inc., Springboro, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 5, 2009, in response to a petition filed by the union on behalf of workers at Ovonic Energy Products, Inc., Springboro, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 1st day of May 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13444 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,902]

Noranda Aluminum, Inc., New Madrid, MO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on May 7, 2009, in response to a petition filed on behalf of workers at Noranda Aluminum, Inc., New Madrid, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

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

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13442 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,837]

Duro Textiles, LLC, Fall River, MA; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 22, 2009, in response to a petition filed by a company official on behalf of workers of Duro Textiles, LLC, Fall River, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 1st day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13457 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,775]

Circor Energy, Oklahoma City, OK; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 8, 2009, in response to a petition filed by three workers on behalf of all workers at Circor Energy, Oklahoma City, Oklahoma.

The petitioners requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 7th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13451 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,793]

Home Fashion International, Taylorsville, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 14, 2009, in response to a petition filed on behalf of workers of Home Fashion International, Taylorsville, North Carolina.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 7th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13453 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,830]

Maggy London International, Ltd., Production Department, New York, NY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 21, 2009, in response to a petition filed on behalf of workers at Maggy London International, Ltd., Production Department, New York, New York.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 11th day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13455 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

TA–W–65,829, Sierra Pacific Industries, Camino Division, Camino, CA; TA–W–65,829A, Sierra Pacific Industries, Sonora Division, Sonora, CA; TA–W–65,829B, Sierra Pacific Industries, Quincy Division, Quincy, CA; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on April 15, 2009, in response to a petition filed on behalf of workers of Sierra Pacific Industries, Camino Division, Camino, California; Sierra Pacific Industries, Sonora Division, Sonora, California; and Sierra Pacific Industries, Quincy Division, Quincy, California.

The petitioner has requested that the petitions be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 1st day of May 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–13454 Filed 6–8–09; 8:45 am]

BILLING CODE 4510–FN–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2009–0219]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Reports Concerning Possible Non-Routine Emergency Generic Problems.

2. *Current OMB approval number:* 3150–0012.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Nuclear power reactor licensees, research and test reactors, and materials applicants and licensees.

5. *The number of annual respondents:* 204

6. *The number of hours needed annually to complete the requirement or request:* 82,800 hours

7. *Abstract:* NRC is requesting approval authority to collect information concerning possible non-routine generic problems which would require prompt action from NRC to preclude potential threats to public health and safety.

Submit, by August 10, 2009, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2009–0219. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2009–0219. Mail comments to Acting NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6445, or by e-mail to *INFOCOLLECTS.Resource@nrc.gov*.

Dated at Rockville, Maryland, this 28th day of *May* 2009.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. E9–13421 Filed 6–8–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–4; NRC–2008–0333]

Notice of Issuance of Renewed Materials License SNM–2503; Duke Power Company, LLC; Oconee Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of renewal of license.

FOR FURTHER INFORMATION CONTACT: John Goshen, Project Manager, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492–3325; fax number: (301) 492–3342; e-mail: *john.goshen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued renewed Materials License SNM–2503 to Duke Power Company, LLC (Duke) for the receipt, possession, transfer, and storage of spent fuel at the Oconee Independent Spent Fuel Storage Installation (ISFSI), located in Oconee County, South Carolina. The renewed license authorizes operation of the Oconee ISFSI in accordance with the provisions of the renewed license and its Technical Specifications. The renewed license expires on January 31, 2050.

II. Background

By application dated January 30, 2008, as supplemented January 30, 2009, Duke requested renewal of its operating license for the Oconee ISFSI. Duke requested the renewal of the original ISFSI license for a renewal period of 20 years, and an exemption for an additional 20 years.

III. Finding

The application for the renewed license complies with the standards and requirements of the Atomic Energy Act of 1954 (the Act), as amended, and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license. In addition, in accordance with 10 CFR 72.7, the Commission has determined that the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Public notice of the proposed action and opportunity for hearing regarding the proposed issuance of the renewed license was published in the **Federal Register** on June 12, 2008 (73 *FR* 33462).

FOR FURTHER INFORMATION CONTACT: Supporting documentation is available for inspection at NRC's Public Electronic Reading Room at: *http://www.nrc.gov/reading-rm/ADAMS.html.* A copy of the license application, dated January 30, 2008, supplement dated January 30, 2009, and the staff's Environmental Assessment, dated May 15, 2009, can be found at this site using the Agency Document And Management System accession numbers ML08032046, ML090370066, and ML091340557. The staff Notice of Availability of Environmental Assessment and Finding of No Significant Impact for this action was published in the **Federal Register** on May 21, 2009 (74 FR 23897).

Dated at Rockville, Maryland, this 29th day of May 2009.

For the Nuclear Regulatory Commission.

Kimberly Hardin,

Acting Chief, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E9–13422 Filed 6–8–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meetings; Sunshine Act

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of June 8, 15, 22, 29, July 6, 13, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 8, 2009

There are no meetings scheduled for the week of June 8, 2009.

Week of June 15, 2009—Tentative

There are no meetings scheduled for the week of June 15, 2009.

Week of June 22, 2009—Tentative

Thursday, June 25, 2009

1:30 p.m.

Meeting with Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Ashley Cockerham, 240–888–7129).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Friday, June 26, 2009

9:30 a.m. Discussion of Security Issues (Closed—Ex. 3)

Week of June 29, 2009—Tentative

There are no meetings scheduled for the week of June 29, 2009.

Week of July 6, 2009—Tentative

There are no meetings scheduled for the week of July 6, 2009.

Week of July 13, 2009—Tentative

There are no meetings scheduled for the week of July 13, 2009.

* * * * *

* 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.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *rohn.brown@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

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: June 4, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9–13571 Filed 6–5–09; 11:15 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Sunshine Act Meeting

Board Votes To Close June 8, 2009 Meeting

At its closed session meeting on June 2, 2009, the Board of Governors of the

United States Postal Service voted unanimously to close to public observation its meeting to be held on June 8, 2009, in Washington, DC via teleconference. The Board determined that no earlier public notice was possible.

Items Considered

1. Strategic Issues.
2. Financial Matters.
3. Pricing.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—discussion of prior agenda items and Board Governance.

General Counsel Certification

The General Counsel of the United States Postal Service has certified that the meeting is properly closed under the Government in the Sunshine Act.

FOR FURTHER INFORMATION CONTACT: Requests for information about the meeting should be addressed to the Secretary of the Board, Julie S. Moore, at (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. E9–13612 Filed 6–5–09; 4:15 pm]

BILLING CODE 7710–12–P

SMALL BUSINESS ADMINISTRATION

Administrator's Line of Succession Designation, No. 1–A, Revision 30

This document replaces and supersedes "Line of Succession Designation No. 1–A, Revision 29"

Line of Succession Designation No. 1–A, Revision 30: Effective immediately, the Administrator's Line of Succession Designation is as follows:

(a) In the event of my inability to perform the functions and duties of my position, or my absence from the office, the Deputy Administrator will assume all functions and duties of the Administrator. In the event the Deputy Administrator and I are both unable to perform the functions and duties of the position or are absent from our offices, I designate the officials in listed order below, if they are eligible to act as Administrator under the provisions of the Federal Vacancies Reform Act of 1998, to serve as Acting Administrator with full authority to perform all acts which the Administrator is authorized to perform:

(1) Chief of Staff;
(2) General Counsel;
(3) Counselor to the Administrator;
(4) Associate Administrator for Management and Administration;
(5) Chief Financial Officer;
(6) Regional Administrator for Region 1.

(b) Notwithstanding the provisions of SBA Standard Operating Procedure 00 01 2, "absence from the office," as used in reference to myself in paragraph (a) above, means the following:

(1) I am not present in the office and cannot be reasonably contacted by phone or other electronic means, and there is an immediate business necessity for the exercise of my authority; or

(2) I am not present in the office and, upon being contacted by phone or other electronic means, I determine that I cannot exercise my authority effectively without being physically present in the office.

(c) An individual serving in an acting capacity in any of the positions listed in subparagraphs (a)(1) through (6), unless designated as such by the Administrator, is not also included in this Line of Succession. Instead, the next non-acting incumbent in the Line of Succession shall serve as Acting Administrator.

(d) This designation shall remain in full force and effect until revoked or superseded in writing by the Administrator, or by the Deputy Administrator when serving as Acting Administrator.

(e) Serving as Acting Administrator has no effect on the officials listed in subparagraphs (a)(1) through (6), above, with respect to their full-time position's authorities, duties and responsibilities (except that such official cannot both recommend and approve an action).

Karen G. Mills,

Administrator.

[FR Doc. E9–13440 Filed 6–8–09; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11752 and #11753]

West Virginia Disaster Number WV–00013

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of West Virginia (FEMA–1838–DR), dated 05/15/2009.

Incident: Severe Storms, Flooding, Mudslides, and Landslides.

Incident Period: 05/03/2009 and continuing.

EFFECTIVE DATE: 06/02/2009.

Physical Loan Application Deadline Date: 07/14/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 02/15/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of West Virginia, dated 05/15/2009, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Calhoun, Gilmer, Lewis, Roane, Upshur, Wirt

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–13508 Filed 6–8–09; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, June 11, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), 9(B) and (10) and 17 CFR 200.402(a)(5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, June 11, 2009 will be:

institution and settlement of injunctive actions;

institution and settlement of administrative proceedings; and

other matters related to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: June 4, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–13547 Filed 6–5–09; 11:15 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Sunrise Solar Corporation; Order of Suspension of Trading

June 5, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sunrise Solar Corporation (''Sunrise'') because of questions regarding the accuracy of statements by Sunrise Solar Corporation in press releases to investors concerning, among other things, the company's business prospects and agreements.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Sunrise Solar Corporation.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT June 5, 2009 through 11:59 p.m. EDT, on June 18, 2009.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E9–13551 Filed 6–5–09; 11:15 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–9037; 34–60032; IC–28757; File No. 265–25]

Investor Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Federal Advisory Committee Establishment.

SUMMARY: The Chairman of the Securities and Exchange Commission (''Commission''), with the concurrence of the other Commissioners, intends to establish the Securities and Exchange Commission Investor Advisory Committee (''the Committee'').

ADDRESSES: Written comments may be submitted by the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other/shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. 265–25 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 20549–1090.

All submissions should refer to File No. 265–25. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other/shtml*). Comments will also be available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Kayla Gillan, Deputy Chief of Staff, at (202) 551–2100, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C.—App.1, the Commission is publishing this notice that the Chairman of the Commission, with the concurrence of the other Commissioners, intends to establish the Committee. The Committee's objective is to provide the Commission with the views of a broad spectrum of investors on their priorities concerning the Commission's regulatory agenda.

To achieve the Committee's goals, between 14 and 18 members will be appointed who can represent effectively the varied interests affected by the range of issues to be considered. The Committee's membership may include investors or investor representatives from a broad spectrum of institutions, such as mutual funds, foundations, and pension funds; investors representing different geographical regions; investors of different sizes and investment strategies; and individual investors. The Committee's membership will be fairly balanced in terms of points of view represented and the functions to be performed.

The Committee may be established 15 days after publication of this notice by filing a charter for the Committee with the Committee on Banking, Housing, and Urban Affairs of the United States Senate and the Committee on Financial Services of the United States House of Representatives. A copy of the charter as so filed also will be filed with the Chairman of the Commission, furnished to the Library of Congress, placed in the Public Reference Room at the Commission's headquarters and posted on the Commission's Web site at *http://www.sec.gov.* The Committee's objective is to provide the Commission with the views of a broad spectrum of investors on their priorities concerning the Commission's regulatory agenda, including:

(1) Advising the Commission regarding matters of concern to investors in the securities markets;

(2) providing the Commission with investors' perspectives on current, non-enforcement, regulatory issues; and

(3) serving as a source of information and recommendations to the Commission regarding the Commission's regulatory programs from the point of view of investors.

The Committee will operate for two years from the date it is established unless, before the expiration of that time period, its charter is re-established or renewed in accordance with the Federal Advisory Committee Act or unless the Commission determines that the Committee's continuance is no longer in the public interest.

The Committee will meet at such intervals as are necessary to carry out its functions. The charter will provide that meetings of the full Committee are expected to occur no more frequently than four times per year. Meetings of subgroups or subcommittees of the full Committee may occur more frequently.

The charter will provide that the duties of the Committee are to be solely advisory. The Commission alone will make any determinations of action to be taken and policy to be expressed with respect to matters within the Commission's authority as to which the Committee provides advice or makes recommendations.

The Chairman of the Commission affirms that the establishment of the Committee is necessary and in the public interest.

By the Commission.

Dated: June 3, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–13349 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60035; File No. SR–FINRA–2009–034]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend FINRA's Authority Under the Cease and Desist Pilot Program

June 3, 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 May 18, 2009, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 paragraph (f)(6) of Rule 19b–4 under the Act,[3] 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 extend FINRA's authority under its cease and desist pilot program, as further detailed herein, and to make certain technical amendments. The proposed rule change does not propose any substantive changes to the existing cease and desist authority pilot program.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

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

In May 2003, the Commission approved, on a two-year pilot basis, a rule change that gave FINRA authority to issue temporary cease and desist orders (''TCDOs'')[4] and made explicit FINRA's ability to impose permanent cease and desist orders as a remedy in disciplinary cases.[5] The pilot program also gave FINRA authority to enforce cease and desist orders. In June 2005 and June 2007, the SEC approved [sic] two-year extensions of the pilot program.[6] The current two-year pilot expires on June 23, 2009.[7]

In a companion rule filing filed with the SEC on May 18, 2009,[8] FINRA is proposing to make the pilot program permanent without any substantive changes to the terms of the existing program. In the current rule filing, FINRA seeks to extend the pilot until the SEC approves or disapproves the proposal to make the pilot permanent so that the cease and desist authority does not lapse while the proposal is pending at the SEC. The proposed action would enable FINRA to continue to issue TCDOs and impose permanent cease and desist orders as a remedy in disciplinary cases. The proposed action also would give FINRA authority to continue to initiate expedited proceedings when respondents violate temporary or permanent cease and desist orders.

When it first sought cease and desist authority, FINRA stated that it would use the authority sparingly. That has been the case. Since the pilot program was first approved in 2003, FINRA has issued only one TCDO and one permanent cease and desist order (both in the same case, which is described below). If the pilot is extended, the cease and desist rules would continue to be used judiciously. There are times, however, when their use is crucial.

In the one case initiated under the pilot program, FINRA's Department of Enforcement (''Enforcement'') alleged that the member in question was engaged in widespread fraud that included, among other things, making material misrepresentations and omissions in connection with the private offering of its own stock, effecting unauthorized transactions and using customer funds improperly.[9] Enforcement showed that not only was the member attempting to continue the fraudulent offering, it also was funneling money and assets to a non-member affiliate. Enforcement alleged, and a hearing panel found, that a TCDO was necessary because the member's continuation of the misconduct was likely to result in further dissipation or conversion of assets and other significant harm to investors before the completion of the underlying disciplinary proceeding. After the hearing panel issued a permanent cease and desist order following a full disciplinary hearing, the parties settled the case, resulting in the expulsion of the member, the bar of its owner and the imposition of almost $12 million in fines and restitution.

The proposed temporary extension of the pilot program will provide FINRA with a mechanism to continue to take appropriate remedial action against a member or an associated person that has engaged (or is engaging) in violative conduct that could cause continuing harm to the investing public if not addressed expeditiously while the SEC is considering FINRA's proposal to permanently adopt the pilot program. It must be emphasized, however, that the cease and desist provisions contain numerous procedural protections for respondents to ensure that the proceedings are fair.

[4] A TCDO is a preliminary order issued in connection with an underlying disciplinary proceeding that has been initiated or will be initiated immediately.

[5] *See* Securities Exchange Act Release No. 47925 (May 23, 2003), 68 FR 33548 (June 4, 2003) (Order Approving File No. SR–NASD–98–80).

[6] *See* Securities Exchange Act Release No. 51860 (June 16, 2005), 70 FR 36427 (June 23, 2005) (Notice of Filing and Immediate Effectiveness of File No. SR–NASD–2005–061); Securities Exchange Act Release No. 55819 (May 25, 2007), 72 FR 30895 (June 4, 2007) (Notice of Filing and Immediate Effectiveness of File No. SR–NASD–2007–033).

[7] *See* Securities Exchange Act Release No. 55819 (May 25, 2007), 72 FR 30895 (June 4, 2007) (Notice of Filing and Immediate Effectiveness of File No. SR–NASD–2007–033).

[8] *See* Securities Exchange Act Release No. 60028 (June 2, 2009) (SR–FINRA–2009–035).

[9] *See L.H. Ross & Company,* Securities Exchange Act Release No. 51270, 2005 SEC LEXIS 452 (February 28, 2005).

The proposed rule change also would make certain technical amendments to the rule text, namely to correct punctuation in FINRA Rule 9556 and update FINRA Rule 9810 to reflect a change in FINRA style convention when referencing the federal securities laws.

FINRA has filed the proposed rule change to extend FINRA's authority under its cease and desist pilot program for immediate effectiveness. The implementation date will be June 23, 2009. The pilot program will remain in effect until the SEC approves FINRA's proposed rule change to make the pilot permanent [10] and such rule change becomes effective or the SEC disapproves such proposed rule change.

2. Statutory Basis

The proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that FINRA's 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. The proposed rule change also is consistent with the provisions of Section 15A(b)(7) of the Act,[12] which provides that FINRA members, or persons associated with its members, must be appropriately disciplined for violations of any provisions of the Act or FINRA's rules. Extending the pilot program is consistent with FINRA's obligations under the Act because cease and desist orders are designed to stop violative conduct that is likely to cause dissipation or conversion of assets or other significant harm to investors.

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 [13] and Rule 19b–4(f)(6) thereunder.[14]

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–2009–034 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–2009–034. 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 submissions should refer to File Number SR–FINRA–2009–034 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13503 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[10] *See supra,* note 8.

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] 15 U.S.C. 78*o*–3(b)(7).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60022; File No. SR–FINRA–2009–031]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change Relating to the Reporting of Over-the-Counter Transactions in Equity Securities Executed Outside Normal Market Hours

June 1, 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 May 8, 2009, Financial Industry Regulatory Authority, Inc. (''FINRA'') 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. On May 29, 2009, FINRA filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA trade reporting rules relating to over-the-counter transactions in equity securities executed outside normal market hours to (1) require that any

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

trades executed during the hours that a FINRA Facility (the Alternative Display Facility (''ADF''), a Trade Reporting Facility (''TRF'') or the OTC Reporting Facility (''ORF'')) is closed be reported within 15 minutes of the opening of the Facility, *i.e.,* 8:15 a.m. Eastern Time; and (2) conform the trade reporting requirements applicable to ''outside normal market hours'' transactions across FINRA Facilities.

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

FINRA rules prescribe special requirements applicable to the reporting of trades executed outside normal market hours (*i.e.,* trades executed outside the hours of 9:30 a.m. to 4 p.m. Eastern Time), and the rules distinguish between such trades that are executed during the hours a FINRA Facility is open and trades that are executed during the hours the facility is closed.[3] Specifically, trades that are executed outside normal market hours and during the hours that the FINRA Facility to which the member is reporting is open must be reported within 90 seconds of execution.[4] Thus, for example, a trade executed at 9 a.m. or a trade executed at 5 p.m. must be reported within 90 seconds. Trades that are executed outside normal market hours and during the hours that the FINRA Facility is closed are not subject to 90-second reporting, since the facility is not open to facilitate the reporting of the trade. Rather, such trades are reported as follows: (1) trades executed between midnight and 8 a.m. must be reported on trade date; and (2) trades executed between the close of the facility (*i.e.,* either 6:30 p.m. or 8 p.m.) and midnight must be reported on an ''as/of'' basis the following business day.[5] ''Outside normal market hours'' trades are designated with a unique trade report modifier, as specified by FINRA.

Proposed Amendments To Require Reporting Within 15 Minutes of Opening of Facility

FINRA is proposing to amend the trade reporting rules[6] to require that trades executed during the hours that the FINRA Facility is closed be reported within 15 minutes of the opening of the facility (*i.e.,* 8:15 a.m. Eastern Time for all FINRA Facilities). Specifically, members would be required to report as follows: (1) trades executed between midnight and 8 a.m. must be reported by 8:15 a.m. on trade date, and (2) trades executed between the close of the FINRA Facility (*i.e.,* either 6:30 p.m. or 8 p.m.) and midnight must be reported on an ''as/of'' basis the following business day by 8:15 a.m. These trades would be designated with the unique trade report modifier to denote their execution outside normal market hours. Any such trades not reported by 8:15 a.m. would be marked with the ''outside normal market hours trade reported late'' modifier.

FINRA believes that the proposed rule change will enhance market transparency by ensuring that these ''outside normal market hours'' trades are reported and disseminated closer to the actual execution time rather than reported at some later time during the trading day. As a result, market participants will have better information about the time of execution for such trades. For example, under current rules, a trade with the ''outside normal market hours'' modifier that is reported and disseminated at 9:20 a.m. could have been executed and reported real-time at 9:20 a.m., or it could have been executed at some point between midnight and the opening of the FINRA Facility at 8 a.m. There is currently nothing to distinguish a trade executed and reported at 9:20 a.m. from a trade executed between midnight and 8 a.m. and reported at 9:20 a.m. Under the proposed rule change, a trade executed between midnight and 8 a.m. that is reported at 9:20 a.m. would be marked late, thus distinguishing it from a trade executed and reported real-time at 9:20 a.m.

Proposed Conforming Amendments

FINRA also is proposing certain amendments to conform the requirements for reporting ''outside normal market hours'' trades across FINRA Facilities. First, under current rules and system functionality, members are not permitted to submit to the FINRA/Nasdaq TRF and ORF a trade report with the ''outside normal market hours'' modifier during normal market hours. For example, if a member executes a trade at 9:29:00 a.m. and reports the trade at 9:30:15 a.m. (in compliance with the 90-second reporting requirement under FINRA rules), the FINRA/Nasdaq TRF and ORF will reject the trade report; the trade cannot be reported, and will not be disseminated, until after 4 p.m. By contrast, the ADF and FINRA/NYSE TRF permit the submission of trade reports with the ''outside normal market hours'' modifier throughout the day. Thus, the trade described in the example above can be reported to the ADF or FINRA/NYSE TRF and disseminated at 9:30:15 a.m.

Accordingly, FINRA is proposing to amend Rules 6380A(a)(2)(A) and (a)(2)(C) relating to the FINRA/Nasdaq TRF and Rules 6622(a)(3)(A) and (a)(3)(C)(i) relating to the ORF to delete the requirement that ''outside normal market hours'' transactions that are not reported by 9:30 a.m. be reported after 4 p.m. This will enhance market transparency by eliminating systematically imposed delays in the reporting of ''outside normal market hours'' trades to the FINRA/Nasdaq TRF and ORF. The proposed amendments are identical to the text of current Rules 6282(a)(2)(A) and (a)(2)(B)(i) relating to the ADF.

Additionally, FINRA is proposing conforming changes to Rules 6380B(a)(2)(A) and (C) relating to the FINRA/NYSE TRF. Today, members submit trade reports with the ''outside normal market hours'' modifier to the FINRA/NYSE TRF throughout the day. However, when the rules for this TRF were originally adopted, these provisions inadvertently were based on the rules relating to the FINRA/Nasdaq TRF, rather than the ADF. Thus, the proposed amendments for the FINRA/NYSE TRF do not represent a departure from current member reporting practices and systems functionality.

In this regard, FINRA also is proposing to amend Rules 6380A(a)(2)(D), 6380B(a)(2)(D) and 6622(a)(3)(C)(ii) to require expressly that ''as/of'' reports submitted pursuant to

[3] The TRFs and ORF are open between 8 a.m. and 8 p.m. Eastern Time and the ADF is open between 8 a.m. and 6:30 p.m. Eastern Time.

[4] *See* Rules 6282(a)(2)(A); 6380A(a)(2)(A) and (B); 6380B(a)(2)(A) and (B); and 6622(a)(3)(A) and (B).

[5] *See* Rules 6282(a)(2)(B); 6380A(a)(2)(C) and (D); 6380B(a)(2)(C) and (D); and 6622(a)(3)(C).

[6] *See* Rules 6282(a)(2)(B); 6380A(a)(2)(C) and (D); 6380B(a)(2)(C) and (D); and 6622(a)(3)(C).

these provisions include the unique trade report modifier, as specified by FINRA, to denote their execution outside normal market hours. The proposed amendments conform to the text of current Rule 6282(a)(2)(C)(ii).

Second, FINRA is proposing to amend Rules 6282(a), 6380A(a), 6380B(a) and 6622(a) to consolidate the provisions relating to late trade reporting and make clear the requirement that trades that are required to be reported on trade date, but are not reported on trade date, must be reported on an ''as/of'' basis on a subsequent date (T+N) and shall be designated as late. This requirement applies to trades executed during normal market hours, as well as those ''outside normal market hours'' trades that are required by rule to be reported on trade date (*i.e.,* trades executed between midnight and 9:30 a.m. and between 4 p.m. and the close of the Facility at either 6:30 or 8 p.m.). The proposed amendments also would make clear the requirement that ''outside normal market hours'' trades that are required to be reported on an ''as/of'' basis the following business day (T+1), but are not reported T+1, must be reported on a subsequent date (T+N) and shall be designated as late.[7] Accordingly, FINRA is proposing to amend Rules 6380A(a)(2)(B), 6380B(a)(2)(B) and 6622(a)(3)(B) to delete the duplicative requirement that transactions not reported by 8:00 p.m. on trade date must be reported on an ''as/of'' basis the following business day (T+1).

Third, FINRA is proposing certain technical, non-material changes to conform the text of the rules relating to the reporting of trades executed outside normal market hours across FINRA Facilities. For example, FINRA is proposing to amend Rule 6282(a)(2) relating to the ADF and Rule 6622(a)(3) relating to the ORF to delete the specific references to the ''.T'' trade report modifier. This conforms to the trade reporting rules relating to the TRFs, as well as the other provisions of the ADF trade reporting rules, which do not refer to specific trade report modifier labels.[8] Additionally, FINRA is proposing to renumber the subparagraphs in Rule 6282(a)(2) relating to the ADF and Rule 6622(a)(3) relating to the ORF to conform to the numbering of the subparagraphs in Rules 6380A(a)(2) and 6380B(a)(2) relating to the TRFs.

FINRA believes that by conforming the reporting requirements and systems functionality with respect to ''outside normal market hours'' trades across FINRA Facilities, the proposed rule change will promote more consistent trade reporting by members and a more complete and accurate audit trail.[9]

FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice.* The effective date will be no earlier than 120 days and no later than 180 days from the date of Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] 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 that the proposed rule change will enhance market transparency and promote more consistent trade reporting by members and a more complete and accurate audit trail.

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

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, as amended, 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–2009–031 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–2009–031. 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

[7] FINRA is proposing to amend paragraph (a)(1) and adopt new paragraph (a)(6) of Rule 6282 to conform to Rules 6380A(a)(4), 6380B(a)(4) and 6622(a)(5).

[8] *See, e.g.,* Rules 6282(a)(4), 6380A(a)(2) and (5) and 6380B(a)(2) and (5).

[9] The Commission notes that in connection with these changes to the trade reporting rules FINRA is also moving language from Rule 6282(a)(1) to Rule 6282(a)(6) concerning patterns or practices of late trade reporting. Rule 6282(a)(1) currently states that ''[a] pattern or practice of late trade reporting without exceptional circumstances shall be considered conduct inconsistent with high standards of commercial honor and just equitable principles of trade violation of Rule 2010.'' The change FINRA is proposing would replace the word ''shall'' with ''may,'' and applies the lower standard not only to a pattern or practice of late trade reporting outside of normal market hours, but to a pattern or practice of late trade reporting during normal market hours. Rule 6282 concerns transactions reported only to TRACS, and FINRA has told Commission staff that the change is to make the rule consistent with the FINRA/NASDAQ, FINRA/NYSE, and OTC Trade Reporting Facilities, all of which currently have the identical language to proposed Rule 6282(a)(6). *See* telephone call between Stephanie Dumont, Senior Vice President and Director of Capital Markets Policy, FINRA, and Kathy England, Assistant Director, Commission, May 29, 2009. The Commission notes that it has routinely upheld appeals from FINRA disciplinary actions when FINRA has charged respondents with violations of Rule 2010 (Standards of Commercial Honor and Principles of Trade) based solely on an underlying violation of another SRO rule. *See e.g.,* Stephen J. Gluckman, 54 S.E.C. 175, 185 (1999), Exchange Act Release No. 41628 (July 20, 1999).

[10] 15 U.S.C. 78*o*–3(b)(6).

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 submissions should refer to File Number SR–FINRA–2009–031 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13395 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60028; File No. SR–FINRA–2009–035]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change To Adopt a Temporary and Permanent Cease and Desist Authority Pilot Program on a Permanent Basis

June 2, 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 May 18, 2009, Financial Industry Regulatory Authority, Inc. (''FINRA'') 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. 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 adopt the temporary and permanent cease and desist authority pilot program on a permanent basis without any substantive changes to the terms of the existing program.

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

In May 2003, the Commission approved, on a two-year pilot basis, a rule change that gave FINRA authority to issue temporary cease and desist orders (''TCDOs'')[3] and made explicit FINRA's ability to impose permanent cease and desist orders as a remedy in disciplinary cases.[4] The pilot program also gave FINRA authority to enforce cease and desist orders. In June 2005 and June 2007, the SEC approved [sic] two-year extensions of the pilot program.[5] The current two-year pilot expires on June 23, 2009.[6]

FINRA is proposing to make the pilot program permanent without any substantive changes to the terms of the existing program.[7] The proposed action would enable FINRA to continue to issue TCDOs and impose permanent cease and desist orders as a remedy in disciplinary cases. The proposed action also would give FINRA authority to continue to initiate expedited proceedings when respondents violate temporary or permanent cease and desist orders.

When it first sought cease and desist authority, FINRA stated that it would use the authority sparingly. That has been the case. Since the pilot program was first approved in 2003, FINRA has issued only one TCDO and one permanent cease and desist order (both in the same case, which is described below). If adopted on a permanent basis, the cease and desist rules would continue to be used judiciously. There are times, however, when their use is crucial.

In the one case initiated under the pilot program, FINRA's Department of Enforcement (''Enforcement'') alleged that the member in question was engaged in widespread fraud that included, among other things, making material misrepresentations and omissions in connection with the private offering of its own stock, effecting unauthorized transactions and using customer funds improperly.[8] Enforcement showed that not only was the member attempting to continue the fraudulent offering, it also was funneling money and assets to a non-member affiliate. Enforcement alleged, and a hearing panel found, that a TCDO was necessary because the member's continuation of the misconduct was likely to result in further dissipation or conversion of assets and other significant harm to investors before the completion of the underlying disciplinary proceeding. After the hearing panel issued a permanent cease and desist order following a full disciplinary hearing, the parties settled the case, resulting in the expulsion of the member, the bar of its owner and the imposition of almost $12 million in fines and restitution.

The proposed permanent adoption of the pilot program will provide FINRA with a mechanism to continue to take appropriate remedial action against a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A TCDO is a preliminary order issued in connection with an underlying disciplinary proceeding that has been initiated or will be initiated immediately.

[4] *See* Securities Exchange Act Release No. 47925 (May 23, 2003), 68 FR 33548 (June 4, 2003) (Order Approving File No. SR–NASD–98–80).

[5] *See* Securities Exchange Act Release No. 51860 (June 16, 2005), 70 FR 36427 (June 23, 2005) (Notice of Filing and Immediate Effectiveness of File No. SR–NASD–2005–061); Securities Exchange Act Release No. 55819 (May 25, 2007), 72 FR 30895 (June 4, 2007) (Notice of Filing and Immediate Effectiveness of File No. SR–NASD–2007–033). The Commission notes that it did not approve these filings.

[6] *See* Securities Exchange Act Release No. 55819 (May 25, 2007), 72 FR 30895 (June 4, 2007) (Notice of Filing and Immediate Effectiveness of File No. SR–NASD–2007–033).

[7] In a companion rule filing filed with the SEC today, FINRA seeks to extend the pilot until the SEC approves or disapproves the proposal to make the pilot permanent so that the cease and desist authority does not lapse while the proposal is pending at the SEC. *See* SR–FINRA–2009–034. The companion rule filing proposed certain technical amendments to the rule text, namely to correct punctuation in FINRA Rule 9556 and update FINRA Rule 9810 to reflect a change in FINRA style convention when referencing the federal securities laws. The companion rule filing does not proposal [sic] any substantive changes to the existing pilot.

[8] *See L.H. Ross & Company,* Securities Exchange Act Release No. 51270, 2005 SEC LEXIS 452 (February 28, 2005).

member or an associated person that has engaged (or is engaging) in violative conduct that could cause continuing harm to the investing public if not addressed expeditiously. It must be emphasized, however, that the cease and desist provisions contain numerous procedural protections for respondents to ensure that the proceedings are fair.

The proposed rule change will become effective on the date of the SEC's approval.

2. Statutory Basis

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's 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. The proposed rule change also is consistent with the provisions of Section 15A(b)(7) of the Act,[10] which provides that FINRA members, or persons associated with its members, must be appropriately disciplined for violations of any provisions of the Act or FINRA's rules. Making the pilot program permanent is consistent with FINRA's obligations under the Act because cease and desist orders are designed to stop violative conduct that is likely to cause dissipation or conversion of assets or other significant harm to investors.

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

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 the 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–FINRA–2009–035 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–2009–035. 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 submissions should refer to File No. SR–FINRA–2009–035 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13397 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78*o*–3(b)(7).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60039; File No. SR–NASDAQ–2009–050]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Reduce the Length of the Optional Pre-Routing Display Period for Its DOT, SCAN and STGY Routing Strategies

June 3, 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 May 21, 2009, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. On June 2, 2009, Nasdaq filed Amendment No. 1 to the proposed rule change. Nasdaq has designated the proposed rule change, as amended, as constituting a 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, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes a rule change to reduce the length of the optional pre-routing display period for its DOT, SCAN and STGY routing strategies.

The text of the proposed rule change is below. Proposed new language is italicized; proposed deletions are in brackets.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

4758. Order Routing

(a) Order Routing Process

(1) The Order Routing Process shall be available to Participants from 7 a.m. until 8 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 NYSE Amex. The System will consider the quotations only of accessible markets or NYSE Amex. The System will consider the quotations only of accessible markets[.] *and will provide an electronic method to distinguish orders displayed during a pre-routing display period from the System's protected quote under Regulation NMS.* 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. If instructed by the entering firm, prior to sending orders to other available markets, such orders shall be displayed to Nasdaq market participants (and market data vendors) for potential execution, at the NBBO price, for a period of time not to exceed [3 seconds] *one-half of one second* as determined by Nasdaq. Any un-executed portion will thereafter be sent to the NYSE or 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 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 instructed by the entering firm, prior to sending orders to other available markets, such orders shall be displayed to Nasdaq market participants (and market data vendors) for potential execution, at the NBBO price, for a period of time not to exceed [3 seconds] *one-half of one second* as determined by Nasdaq. 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 instructed by the entering firm, prior to sending orders to other available markets, such orders shall be displayed to Nasdaq market participants (and market data vendors) for potential execution, at the NBBO price, for a period of time not to exceed [3 seconds] *one-half of one second* as determined by Nasdaq. 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

Nasdaq is proposing to reduce the maximum length of the optional pre-routing period for its DOT, SCAN and STGY routing strategies. Currently, the maximum time period for the optional pre-route period is 3 seconds, and Nasdaq is now proposing to reduce this maximum pre-route time period to one-half of one second. Orders entered using any form of the DOT, SCAN or STGY routing strategies will, after first executing to the maximum extent possible in Nasdaq's book, have their remaining share amounts and prices displayed to Nasdaq market participants and market data vendors for a period of time determined by Nasdaq which will not, under the proposal, exceed one-half of one second. This display to Nasdaq market participants and market data vendors takes place before routing any order or order remainder to any other available market and parties not wishing to have their orders displayed prior to routing may direct the system to avoid the pre-routing display period. Nasdaq will provide an electronic method to distinguish orders displayed during the pre-routing display period from the System's protected quote under Regulation NMS.

Except for the changes to the DOT, SCAN and STGY routing functionality itself described here, nothing in this proposal will modify or alter any existing rule or process related to order priority, order execution, trade-through protection or locked or crossed markets.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and with Sections 6(b)(5) of the Act,[5] 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

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(5).

public interest. Nasdaq notes that similar functionality has already been found to be consistent with the Act by the Commission.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

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[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. Nasdaq requests that the Commission waive the 30-day operative delay because the Exchange expects to have technologies in place to support the proposed rule change, as amended, on or about June 8, 2009, and believes that the expected benefits to Nasdaq market participants from the proposed rule change, as amended, should not be delayed. The Commission believes that waiving the 30-day operative delay[11] is consistent with the protection of investors and the public interest and designates the proposal operative on June 8, 2009.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[12]

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–2009–050 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–2009–050. 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 publicly available. All submissions should refer to File Number SR–NASDAQ–2009–050 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13424 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[6] Securities Exchange Act Release No. 54422 (September 11, 2006), 71 FR 54537 (September 15, 2006) (SR–CBOE–2004–21); Securities Exchange Act Release No. 59359 (February 4, 2009), 74 FR 6927 (February 11, 2009) (SR–CBOE–2008–123).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing period in this case.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6).

[11] For 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).

[12] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on June 2, 2009, the date on which Nasdaq submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60037; File No. SR–NASDAQ–2009–048]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change, as Modified by Amendment No. 1, Thereto To Establish a New Voluntary Flash and Cancel Order

June 3, 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 May 20, 2009, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. On May 29, 2009, Nasdaq filed Amendment No. 1 to the proposed rule change. Nasdaq has designated the proposed rule change, as amended, as constituting a rule change under Rule 19b–4(f)(6) under the Act,[3] which renders the proposal, as amended, effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes a rule change to establish a new voluntary Flash and Cancel Order. The text of the proposed rule change is below. Proposed new language is italicized; proposed deletions are in brackets.

4751. Definitions

The following definitions apply to the Rule 4600 and 4750 Series for the trading of securities listed on Nasdaq or a national securities exchange other than Nasdaq.

(a) through (e) No Change.

(f) The term ''Order Type'' shall mean the unique processing prescribed for designated orders that are eligible for entry into the System, and shall include:

(1)–(10) No Change.

(11) ''Flash and Cancel Orders'' are market or marketable limit orders which are to be executed in whole or in part immediately upon receipt by the System with any unfilled balance being displayed to Nasdaq market participants (and market data vendors) for potential execution for a period of time not to exceed one-half of one second. If any unfilled balance remains after such display, such marketable unfilled balance shall be cancelled back to the entering party, and such nonmarketable unfilled balance shall be retained by the System for potential execution. The System will provide an electronic method to distinguish the Flash Order during the flash period from the System's protected quote under Regulation NMS.

(g) through (i) No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to establish a new voluntary Flash and Cancel Order type. A Flash and Cancel Order will provide an optional pre-cancellation display period for market and marketable limit orders so designated. Under the proposal, market and marketable limit orders designated as Flash and Cancel Orders will, after first executing to the maximum extent possible in Nasdaq's book, have their unexecuted portions displayed for potential execution at the NBBO such that a trade-through will not occur, to Nasdaq market participants and market data vendors for a period of time determined by Nasdaq which will not exceed one-half of one second. If any unfilled balance remains after such display, such marketable unfilled balance shall be cancelled back to the entering party, and such non-marketable unfilled balance shall be placed on the book for potential execution. As with other Nasdaq order types, the attributes of the Flash and Cancel Order may be combined with all Nasdaq non-routable order types. Nasdaq will provide an electronic method to distinguish the Flash Order during the flash period from the System's protected quote under Regulation NMS.

Nasdaq notes that flash and cancel order functionality has already been approved by the Commission for use by the CBOE Stock Exchange and that such functionality can be expected to provide Nasdaq system users with greater control over their trading. Except for the behavior of the Flash and Cancel Order described here, nothing in the proposal will modify or alter any existing rule or process related to order priority, order execution, trade-through protection or locked or crossed markets.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and with Sections 6(b)(5) of the Act,[5] 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. Nasdaq notes that similar functionality has already been found to be consistent with the Act by the Commission.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

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[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. Nasdaq requests that the Commission waive the 30-day operative delay because the Exchange expects to have technologies in place to support the proposed rule change, as amended, on or about June 5, 2009, and believes that the expected benefits to Nasdaq market participants from the proposed rule change, as amended, should not be delayed. The Commission believes that waiving the 30-day operative delay[11] is consistent with the protection of

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(5).

[6] Securities Exchange Act Release No. 54422 (September 11, 2006), 71 FR 54537 (September 15, 2006) (SR–CBOE–2004–21); Securities Exchange Act Release No. 59359 (February 4, 2009), 74 FR 6927 (February 11, 2009) (SR–CBOE–2008–123).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. Nasdaq has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6).

[11] For 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).

investors and the public interest and designates the proposal operative on June 5, 2009.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[12]

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–2009–048 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–2009–048. 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 publicly available. All submissions should refer to File Number SR–NASDAQ–2009–048 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13423 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[12] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on May 29, 2009, the date on which the Nasdaq submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60033, File No. SR–MSRB–2009–04]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of Proposed Rule Change Relating to the Voluntary Submission of Continuing Disclosure Documents to Its Upcoming Continuing Disclosure Service of the Electronic Municipal Market Access System (EMMA®)

June 3, 2009.

On April 14, 2009, the Municipal Securities Rulemaking Board (''MSRB''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), 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 amend the continuing disclosure service of the MSRB's Electronic Municipal Market Access system (''EMMA'') to accept, and to make publicly available on the Internet, voluntary electronic submissions by issuers, obligated persons and their agents of continuing disclosure documents provided other than in connection with Exchange Act Rule 15c2–12. The proposed rule change was published for comment in the **Federal Register** on April 29, 2009.[3] The Commission received three comment letters about the proposed rule change.[4] On May 8, 2009, May 18, 2009, and June 1, 2009, the MSRB filed responses to the comment letters.[5] This order approves the proposed rule change.

The Commission has previously approved the establishment of the continuing disclosure service of EMMA, which will commence operation on July 1, 2009.[6] The EMMA continuing disclosure service will receive electronic submissions of, and will make publicly available on the Internet through the EMMA web portal,[7] continuing disclosure documents and related information from issuers, obligated persons and their agents pursuant to continuing disclosure undertakings entered into consistent with Exchange Act Rule 15c2–12. As approved, the EMMA continuing disclosure service will accept submissions of (i) continuing disclosure documents as described in Rule 15c2–12,[8] and (ii) other disclosure documents

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59814 (Apr. 23, 2009), 74 FR 19612 (Apr. 29, 2009) (''Commission's Notice'').

[4] *See* letters from Douglas Adamson, Executive Vice President, Technical Services Division, American Bankers Association (''ABA''), dated April 24, 2009; letter from Heather Traeger, Associate Counsel, Investment Company Institute (''ICI''), dated May 20, 2009; and letter from Vickie A. Tillman, Executive Vice President, Standard & Poor's Ratings Services (''S&P''), dated May 29, 2009.

[5] *See* letters from Ernesto A. Lanza, General Counsel, MSRB, to Elizabeth M. Murphy, Secretary, SEC, dated May 8, 2009 (''Response Letter I''), May 18, 2009 (''Response Letter II''), and June 1, 2009 (''Response Letter III'').

[6] *See* Securities Exchange Act Release No. 59061 (December 5, 2008), 73 FR 75778 (December 12, 2008) (File No. SR–MSRB–2008–05) (approving the continuing disclosure service of EMMA with an effective date of July 1, 2009) (the ''EMMA continuing disclosure service approval''). The EMMA continuing disclosure service is designed to commence operation simultaneously with the effectiveness of certain amendments to Exchange Act Rule 15c2–12 adopted by the Commission. *See* Securities Exchange Act Release No. 59062 (December 5, 2008), 73 FR 76104 (December 15, 2008) (adopting amendments to Exchange Act Rule 15c2–12). Approval of the proposed rule change on or prior to July 1, 2009 would allow the permanent EMMA continuing disclosure service to accept such voluntary disclosures upon commencement of operations.

[7] The EMMA web portal is accessible at *http://emma.msrb.org*.

[8] Such items consist of: (A) Annual financial information concerning obligated persons; (B) audited financial statements for obligated persons if available and if not included in the annual financial information; (C) notices of the following events, if material: principal and interest payment delinquencies, non-payment related defaults, unscheduled draws on debt service reserves reflecting financial difficulties, unscheduled draws on credit enhancements reflecting financial difficulties, substitution of credit or liquidity providers or their failure to perform, adverse tax opinions or events affecting the tax-exempt status of the security, modifications to rights of security holders, bond calls, defeasances, release/substitution/sale of property securing repayment of the securities, and rating changes; and (D) notices of failures to provide annual financial information

Continued

specified in continuing disclosure undertakings but not specifically described in Rule 15c2–12.

The proposed rule change would amend the EMMA continuing disclosure service to accept submissions of, and to make publicly available through the EMMA web portal, additional categories of continuing disclosure documents voluntarily submitted by issuers, obligated persons and their agents (''voluntary continuing disclosure document''). The proposed rule change would not establish an obligation upon any issuer or obligated person to make a submission of any voluntary continuing disclosure document. Voluntary continuing disclosure documents would be submitted, processed and disseminated in the same manner as provided with respect to disclosures made to the EMMA continuing disclosure service pursuant to continuing disclosure undertakings entered into consistent with Rule 15c2–12. In particular, such submissions would be accepted solely in electronic form as portable document format (PDF) files accompanied by appropriate indexing information. The MSRB has requested approval of the proposed rule change on or prior to July 1, 2009. A full description of the proposal is contained in the Commission's Notice.

As previously noted, the Commission received three comment letters relating to the proposed rule change.[9] One commenter, the ABA, expressed concerns regarding certain legal issues relating to the protection of its intellectual property and contractual rights in the CUSIP database (the ''Database'') that it states have not yet been resolved. The ABA noted that it was the owner of the Database, which is administered by the CUSIP Service Bureau (''CSB''), as its exclusive licensee, and believed it was critical that these legal issues be resolved before the MSRB be allowed to move forward with the proposed expansion and full implementation of EMMA. It further requested that the operation of the EMMA Web site incorporate a variety of protections with respect to its intellectual property rights, including compliance with CSB's current licensing practices, permissible use guidelines, appropriate copyright notices and adequate security.[10]

In response to the ABA's concerns, the MSRB and the CSB, as the ABA's exclusive licensee, have entered into a memorandum of understanding dated May 15, 2009 (the ''MOU'') in which CSB expressly permits use of the CUSIP database for purposes, among other things, of displaying information on the MSRB's EMMA public Web portal and for inclusion in data disseminated by the MSRB to subscribers of the EMMA data feed.[11] The MSRB has agreed in the MOU to provide certain safeguards with respect to the ABA's intellectual property and contractual rights of the ABA in the Database. The Commission believes that the MSRB has provided adequate assurances that all necessary arrangements will be in place in order to operate the proposal as anticipated by the implementation date.

Another commenter, the ICI, supported the proposal and the MSRB's continuing efforts to increase transparency in the municipal securities market, noting that the proposed rule change is another needed step in ensuring the dissemination of important information to investors. The ICI recommended that, in addition to the expansion of EMMA put forth in the proposal, that the SEC and MSRB publicly encourage issuers to submit information for all classes of municipal securities to EMMA, including securities not subject to Rule 15c2–12.[12]

In response to the ICI's recommendation, the MSRB noted that EMMA is designed to accept submissions of continuing disclosure documents from issuers, obligated persons and their agents for any municipal security in any of the established categories, regardless of whether an obligation exists under a continuing disclosure undertaking to provide such disclosure. Thus, EMMA will accept continuing disclosure submissions with respect to all municipal securities, including those disclosures in connection with municipal securities that are not subject to Rule 15c2–12, beginning on July 1, 2009 with the launch of the permanent continuing disclosure service in conjunction with the effective date of amendments to Rule 15c2–12.[13] Accordingly, the Commission believes that the MSRB has adequately addressed the ICI's recommendation.

S&P, the third commenter, supported the proposal's goal of encouraging transparency in the market for municipal securities. However, S&P believed that the Commission and the MSRB should assess both the expected benefits and the potential consequences of including rating agency material as an EMMA disclosure category. In particular, S&P expressed concerns that material provided to rating agencies often includes ''raw'' data that may not be easily understood by most investors, that rating agency material may include data that is proprietary, confidential or subject to legal or contractual restrictions on redissemination that should be redacted by municipal issuers, that regulatory encouragement to submit rating agency data to EMMA could lead to reduced amounts of information that municipal issuers provide to rating agencies, and that an expectation that rating agency material be submitted to EMMA could create incentives for municipal issuers to ''shop'' for the rating agency that requires the least amount of information for its analysis, potentially affected ratings quality. S&P noted that without a specific EMMA category for rating agency material, municipal issuers could still choose to submit such material to EMMA under the category ''other financial/operating data,'' which is also set forth in the proposal. Finally, S&P noted that the proposal labels the disclosure category that includes rating agency material as ''material provided to rating agency or credit/liquidity provider.'' S&P believes that categorizing these entities together on an official public Web site could confuse some investors about the distinctly different roles played by these entities in the municipal securities marketplace, and believes that if rating agency material remains an EMMA disclosure category, that it should be separated from material provided to credit and liquidity providers.[14]

The MSRB agrees that S&P has raised important considerations with respect to whether materials provided by issuers to rating agencies should be submitted to EMMA for public dissemination. The MSRB stated that in making such a voluntary submission, issuers and others should carefully weigh the factors identified by S&P and any other appropriate considerations that may be applicable under the specific facts and

on or before the date specified in the continuing disclosure undertaking.

[9] *See supra* note 4.

[10] *See* letter from the ABA, *supra* note 4.

[11] *See* Response Letter II, *supra* note 5. The MSRB stated that this agreement would expand and reposition existing language on the EMMA Web site to ensure that users of the EMMA Web site have a fuller understanding of the sources of information displayed on the EMMA Web site and of the proprietary rights of third parties (including but not limited to the proprietary rights of the ABA in the Database) in certain displayed data elements. Such language would advise users of the limitations on their use or re-use of any proprietary information accessed on the EMMA Web site, and users would be required to acknowledge such limitations before being provided access to any portion of the Database. Additional systemic and reporting mechanisms would be implemented to further protect against inappropriate use of the Database. *See* Response Letter I, *supra* note 5.

[12] *See* letter from the ICI, *supra* note 4.

[13] *See* Response Letter III, *supra* note 5.

[14] *See* letter from S&P, *supra* note 4.

circumstances. The MSRB further believes that various factors appropriate to the particular facts and circumstances should be assessed by issuers, obligated persons and their agents in coming to a decision on whether to make a voluntary submission on continuing disclosure to EMMA, regardless of the potential category, to the extent that such parties are not otherwise obligated to make such disclosures.

The MSRB does not agree that the establishment of a distinct category for the submission of rating agency materials creates an inappropriate regulatory encouragement for such disclosures. The MSRB noted that submitters may themselves assess the factors raised by S&P in determining whether to provide such disclosure and/or provide additional information necessary to make such disclosure effective and not misleading to the general public. Because such disclosure is wholly voluntary, the MSRB does not believe that there is a material likelihood that the creation of this category would serve as an incentive to reduce information provided to the rating agencies or to seek ratings only from the rating agency requiring the least amount of information.

With regard to the inclusion of rating agency materials in the same category as materials provided to credit or liquidity providers, the MSRB noted that the general categorization structure is intended to serve as a finding aid for public users and that, within any particular category, the nature of the specific documents submitted may vary. To clarify that the MSRB does not intend to equate rating agencies with credit or liquidity providers and to provide for a broader range of material to be included in this category, the MSRB has determined to rename this category as ''information provided to rating agency, credit/liquidity provider or other third party.'' In submitting such information, submitters should consider including an indication of the type of third-party recipient, to the extent appropriate for purposes of understanding the nature of the information submitted.[15] The Commission believes that the MSRB has reasonably addressed S&P's concerns in light of the voluntary nature of the information allowed to be submitted to the continuing disclosure service.

The Commission has carefully considered the proposed rule change, the comment letters received, and the MSRB's responses to the comment letters and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB[16] and, in particular, the requirements of Section 15B(b)(2)(C) of the Act[17] and the rules and regulations thereunder. Section 15B(b)(2)(C) of the Act requires, among other things, that the MSRB's rules be 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 municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.[18] In particular, the Commission finds that the proposed rule change is consistent with the Act because the EMMA continuing disclosure service, as amended by the proposed rule change, would serve as an additional mechanism by which the MSRB works toward removing impediments to and helping to perfect the mechanisms of a free and open market in municipal securities, and would serve to promote the statutory mandate of the MSRB to protect investors and the public interest. The inclusion of voluntary continuing disclosure documents in the EMMA continuing disclosure service would further help make information useful for making investment decisions more easily accessible to all participants in the municipal securities market on an equal basis throughout the life of the securities. Broad access to continuing disclosure documents through the EMMA continuing disclosure service should assist in preventing fraudulent and manipulative acts and practices by improving the opportunity for public investors to access material information about issuers and their securities. A single centralized and searchable venue for free public access to disclosure information should promote a more fair and efficient municipal securities market in which transactions are effected on the basis of material information available to all parties to such transactions, which should allow for fairer pricing of transactions based on a more complete understanding of the terms of the securities and the potential investment risks. Free access to this information—previously generally available, if at all, through paid subscription services or on a per-document fee basis—should reduce transaction costs for dealers and investors.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the proposed rule change (SR–MSRB–2009–04), be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13404 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[15] *See* Response Letter III, *supra* note 5.

[16] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[17] 15 U.S.C. 78o–4(b)(2)(C).

[18] *Id.*

[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60031; File No. SR–ISE–2009–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by International Securities Exchange, LLC Relating to Amending the Direct Edge ECN Fee Schedule To Expand the Applicability of the Super Tier Rebate to All Securities Priced at or Above $1.00 and To Increase the Take Fee

June 3, 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 May 29, 2009, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') 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 self-regulatory organization. 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 Direct Edge ECN's (''DECN'') fee schedule for ISE Members[3] to apply the Super Tier Rebates, as defined below, to all securities priced at or above $1.00 that add liquidity on EDGX and to raise the fee charged to orders that remove liquidity on EDGX. All of the changes

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] References to ISE Members in this filing refer to DECN Subscribers who are ISE Members.

described herein are applicable to ISE Members.

The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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

DECN, a facility of ISE, operates two trading platforms, EDGX and EDGA. Currently, DECN's fee schedule includes a per share rebate in securities reported to Tape A and Tape C of $0.003 per share for ISE Members that add liquidity on EDGX if the ISE Member satisfies any of the following three criteria on a daily basis, measured monthly: (i) Adding 40,000,000 shares or more on either EDGX, EDGA or EDGX and EDGA combined; (ii) adding 20,000,000 shares or more on either EDGX, EDGA or EDGX and EDGA combined and routing 20,000,000 shares or more through EDGA; or (iii) adding 10,000,000 shares or more of liquidity to EDGX, so long as added liquidity on EDGX is at least 5,000,000 shares greater than the previous calendar month. The rebate described above is referred to as a ''Super Tier Rebate'' on the DECN fee schedule. Currently, ISE Members that add liquidity in Tape A and Tape C securities and don't meet the Super Tier criteria, as set forth above, receive a rebate of $0.0025 for such orders.

The Exchange is now proposing to expand the applicability of the aforementioned Super Tier Rebate during the month of June by eliminating the need to meet the ''Super Tier'' criteria described above for Tape A and Tape C securities and rebating $0.003 to all orders that add liquidity on EDGX. The Exchange is increasing this rebate to maintain a competitive rate. This fee change will become operative on June 1, 2009.

In an effort to offset the cost of increasing the rebate for orders that add liquidity on EDGX, the Exchange is proposing to increase the fee for orders that remove liquidity on EDGX from $0.0026 to $0.0028. This fee change will become operative on June 1, 2009.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[4] in general, and furthers the objectives of Section 6(b)(4),[5] 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. In particular, expanding the applicability of the Super Tier Rebate and offering pricing incentives to market participants who route orders to DECN allows DECN to remain competitive. ISE notes that DECN operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to DECN. ISE believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to those members that opt to direct orders to DECN rather than competing venues.

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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act[6] and Rule 19b–4(f)(2)[7] thereunder. At any time within 60 days of the filing of such 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–2009–29 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–2009–29. 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

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 19b–4(f)(2).

submissions should refer to File Number SR–ISE–2009–29 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13403 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60030; File No. SR–ISE–2009–31]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change Relating to the Amounts That Direct Edge ECN, in Its Capacity as an Introducing Broker for Non-ISE Members, Passes Through to Such Non-ISE Members

June 3, 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 June 1, 2009, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change. The proposed rule change is described in Items I and II below, which Items have been prepared by ISE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the amounts that Direct Edge ECN (''DECN''), in its capacity as an introducing broker for non-ISE Members, passes through to such non-ISE Members.

The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 these statements may be examined at the places specified in Item III below. The self-regulatory organization 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

DECN, a facility of ISE, operates two trading platforms, EDGX and EDGA. On May 29, 2009, the ISE filed for immediate effectiveness a proposed rule change to amend DECN's fee schedule for ISE Members[3] to increase the per share rebate in securities priced at or above a $1.00 that are reported to Tape A and Tape C from $0.0025 to $0.003 for orders that add liquidity on EDGX.[4] In SR–ISE–2009–29, the Exchange also increased the fee for orders that remove liquidity on EDGX from $0.0026 to $0.0028. The fee changes made pursuant to SR–ISE–2009–29 became operative on June 1, 2009.

In its capacity as a member of ISE, DECN currently serves as an introducing broker for the non-ISE Member subscribers of DECN to access EDGX and EDGA. DECN, as an ISE Member and introducing broker, receives rebates and is assessed charges from DECN for transactions it executes on EDGX or EDGA in its capacity as introducing broker for non-ISE Members. Since the amounts of such rebates and charges were changed pursuant to SR–ISE–2009–29, DECN wishes to make corresponding changes to the amounts it passes through to non-ISE Member subscribers of DECN for which it acts as introducing broker. As a result, the per share amounts that non-ISE Member subscribers receive and are charged will be the same as the amounts that ISE Members receive and are charged.

ISE is seeking accelerated approval of this proposed rule change, as well as a retroactive effective date of June 1, 2009. ISE represents that this proposal will ensure that both ISE Members and non-ISE Members (by virtue of the pass-through described above) will in effect receive and be charged equivalent amounts and that the imposition of such amounts will begin on the same June 1, 2009 start date.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[5] in general, and furthers the objectives of Section 6(b)(4),[6] 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. In particular, this proposal will ensure that dues, fees and other charges imposed on ISE Members are equitably allocated to both ISE Members and non-ISE Members (by virtue of the pass-through described above).

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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. 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–2009–31 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.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] References to ISE Members in this filing refer to DECN Subscribers who are ISE Members.

[4] *See* SR–ISE–2009–29.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

All submissions should refer to File Number SR–ISE–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 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–2009–31 and should be submitted on or before June 30, 2009.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission 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.[7] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(4),[8] of the Act, which requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facilities.

ISE recently amended DECN's fee schedule for ISE Members to increase the per share rebate in securities priced at or above a $1.00 that are reported to Tape A and Tape C from $0.0025 to $0.003 for orders that add liquidity on EDGX, and also increased the fee for orders that remove liquidity on EDGX from $0.0026 to $0.0028 per share.[9] The fee changes made pursuant to SR–ISE–2009–29 became operative on June 1, 2009. DECN receives rebates and is charged fees for transactions it executes on EGDX or EDGA in its capacity as an introducing broker for its non-ISE member subscribers.

The current proposal, which will apply retroactively to June 1, 2009, will allow DECN to pass through the revised rebates and fees to the non-ISE member subscribers for which it acts an introducing broker. The Commission finds that the proposal is consistent with the Act because it will provide rebates and charge fees to non-ISE member subscribers that are equivalent to those established for ISE member subscribers in the Member Fee Filing.[10]

ISE has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after publication of notice in the **Federal Register**. As discussed above, the proposal will allow DECN to pass through to non-ISE member subscribers the revised rebate and fees established for ISE member subscribers in the Member Fee Filing, resulting in equivalent rebates and fees for ISE member and non-member subscribers. In addition, because the proposal will apply the revised rebates and fees retroactively to June 1, 2009, the revised rebates and fees will have the same effective date, thereby promoting consistency in the DECN's fee schedule. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–ISE–2009–31) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13402 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[7] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(4).

[9] *See* Securities Exchange Act Release No. 60031 (June 3, 2009) (notice of filing and immediate effectiveness of File No. SR–ISE–2009–29) (the ''Member Fee Filing'').

[10] *See* note 9, *supra*.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60026; File No. SR–BX–2009–020]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Order Approving Proposed Rule Change Regarding Market Maker Obligations

June 2, 2009.

On April 8, 2009, NASDAQ OMX BX, Inc. (''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 regarding market maker obligations. The proposal was published in the **Federal Register** on April 28, 2009.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

The Exchange proposes to amend Chapter VI, Section 6 (Market Maker Quotations) of the BOX Rules to change certain obligations of a Market Maker regarding the Request for Quote (''RFQ'') process. The proposed rule change in Section 6(b)(ii) clarifies that within three seconds of receiving an RFQ, a Market Maker must continuously maintain, without interruption, a valid two-sided quotation for at least thirty seconds. If however, during that thirty second time span, the quotation becomes invalid, the Market Maker must post a valid two sided quotation as soon as practicable, but within five seconds. The Exchange also proposes to remove Section 6(d)(ii), which provided that a Market Maker may be required to submit a single quotation or maintain continuous quotations in one or more series when called upon by an Options Official, if the official believes it is necessary to do so in the interest of a fair and orderly market, and replace it with Section 6(b)(iv). As proposed, Section 6(b)(iv) will provide that an Options Official may, in the interest of a fair and orderly market, call upon Market Makers to post a quotation in the same manner as if an RFQ was issued by an Options Participant.

Finally, the Exchange proposes to amend Section 6(d) to establish market maker quoting standards based upon a percentage of time measurement. As proposed, the section will clarify that ''continuous quoting'' reflects quoting parameters based on a daily time measurement and will remove

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Securities Exchange Act Release No. 59804 (April 21, 2009), 74 FR 19256 (April 28, 2009).

references to series and replace them with class. Specifically, a Market Maker will be required to submit valid quotations on a daily basis for at least eighty percent (80%) of the time that a class is open for trading in at least ninety percent (90%) of its appointed classes. Further, on a daily basis, a Market Maker will be required to post valid quotations at least sixty percent (60%) of the time in each of its appointed classes during the time that the class is open for trading. The Exchange states that this proposed change should allow Market Makers to focus their strategy on the entire class to which it is appointed, rather than implementing a strategy utilizing each series within a class. At the same time, the proposal 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.

After careful review, the Commission 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.[4] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[5] which requires that an exchange have rules 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. The Commission notes that under the proposal, Market Maker quoting obligations will be based on a daily time measurement, as opposed to a requirement to continuously provide quotations in a specified percentage of appointed options. Market Makers will, however, still be subject to requirements on how often they must quote. Specifically, Market Makers will be required to submit valid quotations on a daily basis for at least 80% of the time that a class is open in 90% of their appointed classes and be required to post valid quotations at least 60% of the time in each of its appointed classes during the time that the class is open for trading. The Commission also notes that the proposal helps to clarify Market Maker quoting obligations in response to an RFQ or a request by an Options Official to quote in the interest of a fair and orderly market. The Commission believes these changes are consistent with the Act.

Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (SR–BX–2009–020) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13396 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[4] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60015; File No. SR–NYSEAmex–2009–19]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing of Proposed Rule Change To Adopt Rules To Implement the Options Order Protection and Locked/Crossed Market Plan

June 1, 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 May 11, 2009, the NYSE Amex LLC (''NYSE Amex'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt rules to implement the Options Order Protection and Locked/Crossed Market Plan. The text of the proposed rule change 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 adopt rules to implement the Plan. These rules will replace Rules 990NY through 993NY of the Exchange's rules in their entirety. The proposed rules also will amend or remove various other rules to accommodate the Plan.

Background to the Plan and the Implementing Rules

NYSE Amex filed the current version of the Plan on November 25, 2008.[3] The Plan would replace the current Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Old Plan''). The Old Plan requires its participant exchanges to operate a stand-alone system or ''Linkage'' for sending order-flow between exchanges to limit trade-throughs. The Options Clearing Corporation (''OCC'') operates the Linkage system. The Linkage rules provide for unique types of Linkage orders, with a complicated set of requirements as to who may send such orders and under what conditions.

While the Linkage largely has operated satisfactorily, it is under significant strain. When the Commission approved the Old Plan in 2000, average daily volume (''ADV'') in the options market was approximately 2.6 million contracts across all exchanges. Now the ADV has increased to more than 10 million contracts, putting added strain on the ability of market makers to comply with the complex Linkage rules. At the same time, the options markets have been moving towards quoting in pennies, and are quoting in pennies options representing over half the total industry

[3] The November 25, 2008 filing was Amendment No. 1 to the Plan. The American Stock Exchange LLC (the predecessor to NYSE Amex LLC) initially filed the Plan on June 17, 2008.

volume. This greatly increases the number of price changes in an option, giving rise to greater chances of trade-throughs and missing markets as market makers send Linkage orders and have to wait for a response.

Experience in the equities markets shows that there is a more efficient way to provide price protection in options. When first implemented, the Linkage represented a vast improvement over the then-current equities price-protection system, which depended on the operation of the Intermarket Trading System (''ITS''). The plan governing ITS imposed long waiting times for filling ITS commitments and a cumbersome method for satisfying trade-throughs. Learning from the shortcomings of ITS, the options Linkage has shorter waiting periods and more efficient trade-through protections.

The equity price-protection mechanisms have now leapfrogged the options Linkage. By adopting Regulation NMS in 2005 the Commission effectively terminated ITS, replacing it with a rules-based price-protection system.[4] The key to Regulation NMS's price-protection provisions is the Intermarket Sweep Order, or ISO. Each equity exchange must adopt rules ''reasonably designed to prevent trade-throughs.'' [5] Exempted from trade-through liability is an ISO, which is an order a member sends to an exchange displaying a price inferior to the national best bid and offer (''NBBO''), while simultaneously sending orders to trade against the full size of any other exchange that is displaying the NBBO.[6]

The Regulation NMS rules-based price-protection system is working well. It requires neither a central linkage mechanism nor a complex set of operating rules. It also has eliminated the need for achieving unanimity to change even the most minor aspects of a linkage mechanism. A simple prohibition against most trade-throughs, coupled with the ISO mechanism, has given the equities markets a straight-forward system to provide customers with price protection in a fast-moving, high-volume market that is quoted in pennies. NYSE Amex and the other options exchange participants in the Plan intend for the Plan, and the implementing rules, to bring the efficiencies of Regulation NMS to the options market.

Operation of the Plan

The Plan effectively would apply the Regulation NMS price-protection provisions to the options markets. Similar to Regulation NMS, the Plan would require participants to adopt rules ''reasonably designed to prevent Trade-Throughs,'' while exempting ISOs from that prohibition.[7] The definition of an ISO is essentially the same as under Regulation NMS,[8] and there are a number of additional exceptions to the trade-through prohibition. Like Regulation NMS,[9] the Plan requires participating exchanges to take reasonable steps to establish that ISOs meet the requirements of the Plan.

With respect to locked and crossed markets, similar to Regulation NMS the Plan requires its participants to adopt, maintain and enforce rules requiring members: to avoid displaying locked and crossed markets; to reconcile such markets; and to prohibit members from engaging in a pattern or practice of displaying locked and crossed markets.[10] With respect to locked markets, the Plan differs from Regulation NMS in that it specifically permits exceptions to the locked market prohibitions ''as contained in the rules of a Participant approved by the Commission.'' [11]

Description of the Implementing Rules

The Exchange proposes to define ''Intermarket Sweep Order'' as a new order type in proposed Rule 900.3NY(t).

Other proposed rule changes would amend and replace NYSE Amex's current Linkage rules in Rules 940 and 990NY–993NY as described below:

Rule 990NY—Definitions

This proposed rule incorporates all the operative definitions from the Plan into the NYSE Amex rulebook. With one exception, the parties to the Plan derived all such definitions either from the Old Plan [12] or Regulation NMS.[13] The one exception is the definition of ''complex trade'' in Rule 990NY(4). A ''complex trade'' is exempt from trade-through liability. The exemption in the Old Plan simply refers to complex trades ''as that term may be defined by the Operating Committee from time to time.'' Based on that provision, the Exchange had previously adopted current Rule 940(b)(3), which is substantially identical among all the options exchanges. We propose to carry that definition into the revised Rule 990NY unchanged.

Rule 991NY—Order Protection

Paragraph (a) of Rule 991NY provides that, subject to specified exceptions, NYSE Amex ATP Holders shall not effect trade-throughs. Paragraph (b) provides for the following trade-through exceptions:

- *System Issues:* Rule 991NY(b)(1) implements Section 5(b)(i) of the Plan by establishing an exception for trade-throughs due to system-failures. This is akin to the exception in Regulation NMS for equity securities and permits trading through an Eligible Exchange that is experiencing system problems.[14] The Exchange is proposing ''self-help'' rules similar to its NYSE Amex Equities Rule 126A–AEMI, adopted pursuant to Regulation NMS.
- *Trading Rotations:* Rule 991NY(b)(2) implements Section 5(b)(ii) of the Plan and carries forward the current trade-through exception in the Old Plan [15] and current Rule 991NY (b)(5) related to the opening of markets. It is the options equivalent to the single price opening exception in Regulation NMS for equity securities.[16] NYSE Amex uses a trading auction to open an option for trading, or to reopen an option after a trading halt. The opening is effectively a single price auction to price the option and there are no practical means to include prices on other exchanges in that auction.
- *Crossed Markets:* Rule 991NY(b)(3) implements Section 5(b)(iii) of the Plan and is the functional equivalent to NYSE Alternext Equities Rule 128C–AEMI for equity securities. If the best intermarket bid is higher than the best intermarket offer, it indicates that there is some form of market dislocation or inaccurate quoting. Permitting transactions to be executed without regard to trade-throughs in a Crossed Market will allow the market quickly return to equilibrium.
- *Intermarket Sweep Orders (''ISOs''):* Rule 991NY(b)(4) is the ISO exemption and implements Sections 5(b)(iv) and (v) of the Plan. Section 5(b)(iv) of the Plan permits a Participant to execute

[4] Release No. 34–51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[5] Regulation NMS Rule 611(a).

[6] Regulation NMS Rule 600(b)(30).

[7] Sections 5(a)(i) and 5(b)(iv) of the Plan.

[8] Section 2(9) of the Plan.

[9] Regulation NMS Rule 611(c) and Section 5(c) of the Plan.

[10] Section 6 of the Plan.

[11] *Id.*

[12] *See, e.g.,* the definitions of ''Broker-Dealer'' in Rule 990NY(3), NBBO in Rule 990NY(10), Non-Firm in Rule 990NY(11), OPRA Plan in Rule 990NY(12), and Participant in Rule 990NY(13).

[13] *See, e.g.,* the definitions of ''Best Bid''/''Best Offer'' in Rule 990NY(1), ''Bid''/''Offer'' in Rule 990NY(2), ''Intermarket Sweep Order (''ISO'')'' in Rule 900.3NY(t), and ''Quotation'' in Rule 990NY(16).

[14] *See* Regulation NMS Rule 611(b)(1).

[15] *See* Old Plan Section 8(c)(iii)(E).

[16] *See* Regulation NMS Rule 611(b)(3) under the Securities Exchange Act of 1934, as amended (''Exchange Act'').

orders it receives from other Participants or members that are marked as ISO even when it is not at the NBBO. Section 5(b)(v) of the Plan allows a Participant to execute inbound orders when it is not at the NBBO, provided it simultaneously ''sweeps'' all better-priced interest displayed by Eligible Exchanges. These provisions are the options equivalents of the corresponding Regulation NMS equity rules.[17]

• *Quote Flickering:* Rule 991NY(b)(5) implements Section 5(b)(vi) of the Plan and corresponds to the flickering quote exception in Regulation NMS for equity securities.[18] Options quotations change as rapidly, if not more rapidly, than equity quotations. Indeed, they track the price of the underlying security and thus change when the price of the underlying security changes. This exception provides a form of ''safe harbor'' to market participants to allow them to trade through prices that have changed within a second of the transaction causing a nominal trade-through.

• *Non-Firm Quotes:* Rule 991NY(b)(6) implements Section 5(b)(vii) of the Plan and carries forward the current non-firm quote trade-through exception in the Old Plan.[19] By definition, an exchange's quotations may not be firm for automatic execution during this trading state and thus should not be protected from trade-throughs. In effect, these quotations are akin to ''manual quotations'' under Regulation NMS.

• *Complex Trades:* Rule 991NY(b)(7) implements Section 5(b)(viii) of the Plan and carries forward the current complex trade exception in the Old Plan.[20] Complex trades consist of multiple transactions (''legs'') effected at a net price, and it is not practical to price each leg at a price that does not constitute a trade-through.

• *Customer Stopped Orders:* Rule 991NY(b)(8) implements Section 5(b)(ix) of the Plan and corresponds to the customer stopped order exception in Regulation NMS for equity securities.[21] It permits broker-dealers to execute large orders over time at a price agreed upon by a customer, even though the price of the option may change before the order is executed in its entirety.

• *Stopped Orders and Price Improvement:* Rule 991NY(b)(9) implements Section 5(b)(x) of the Plan and would apply if an order is stopped at price that did not constitute a trade-through at the time of the stop. This exception applies to those exchanges that offer a ''Price Improvement Mechanism'' by which members could seek price improvement for that order, even if the market moves in the interim, and the transaction ultimately is effected at a price that would trade through the then currently-displayed market.[22] NYSE Amex does not currently permit these types of options trades, and any transaction-type relying on this exemption would require the Exchange to adopt implementing rules, subject to Commission review and approval.

• *Benchmark Trades:* Rule 991NY(b)(10) implements Section 5(b)(xi) of the Plan and would cover trades executed at a price not tied to the price of an option at the time of execution, and for which the material terms were not reasonably determinable at the time of the commitment to make the trade. An example would be a volume-weighted average price trade, or ''VWAP.'' This corresponds to a trade-through exemption in Regulation NMS for equity trades.[23] NYSE Amex does not currently permit these types of options trades, and any transaction-type relying on this exemption would require the Exchange to adopt implementing rules, subject to Commission review and approval.

Rule 992NY—Locked and Crossed Markets

Proposed Rule 992NY implements Section 6 of the Plan, which requires Plan participants to establish, maintain and enforce rules that: require their members reasonably to avoid displaying locked and crossed markets; are reasonably designed to assure reconciliation of locked and crossed markets; and prohibit their members from engaging in a pattern or practice of displaying locked and crossed markets. Section 6 of the Plan further allows an exchange to provide exceptions to these limitations as ''contained in the rules of a Participant approved by the Commission.''

Proposed Rule 992NY(a) contains the general prohibition that NYSE Amex ATP Holders shall reasonably avoid displaying, and shall not engage in a pattern or practice of displaying, any quotations that lock or cross the best bid or offer of another exchange. We propose four exceptions to this general prohibition.[24]

The first exception would apply when we are experiencing system issues, and is similar to the systems issues exception to the trade-through rule. The second exception applies when there is a crossed market, and also is similar to the corresponding trade-through exception. The third exception would apply when an ATP Holder has simultaneously routed an ISO to execute against the full displayed size of any locked or crossed Protected Bid or Protected Offer. The fourth proposed exception applies to locked markets in the following circumstances:[25]

• Neither the locking or locked quote represents, in whole or in part, a customer order; or

• A customer enters a bid or offer that locks a non-customer quotation on another market, and the customer, on a case-by-case basis, authorizes the locking of the other market's quotation.

This fourth[26] exemption recognizes an important distinction between the equities and options markets. Options market makers compete for order flow by disseminating quotations in multiple series with respect to each underlying security, distributing liquidity over a much greater universe of products than in the equity markets. As a result, the options markets are more reliant on market maker quotations to provide liquidity, with fewer customer orders in each series than in each underlying security, where liquidity is concentrated in one product.

With market makers on multiple exchanges constantly updating their quotations in all these series based on mathematical formulae there is a greater likelihood of market maker quotations locking. We believe that in most cases locked market maker quotations are good for the investing public. Effectively locked markets provide a ''zero spread,'' allowing market participants to buy and sell an option at the same price. On NYSE Amex these quotations are firm, and are fully executable on an automated basis.

We recognize that locked markets are more complicated where one or both of the locking quotations represents a customer order. Where there is contra-side market interest willing to trade with a customer, the customer order should be filled. Thus, we would not exempt from the locked market prohibition situations involving customer orders unless the customer entering the locking order specifically

[17] *See* Regulation NMS Rules 611(b)(5) and (6).

[18] *See* Regulation NMS Rule 611(b)(8).

[19] *See* Old Plan Section 8(c)(iii)(C).

[20] *See* Old Plan Section 8(c)(iii)(G).

[21] *See* Regulation NMS Rule 611(b)(9).

[22] *See,* for instance, ISE Rule 723.

[23] *See* Regulation NMS Rule 611(b)(7).

[24] *See* e-mail from Andrew Stevens, Chief Counsel—U.S. Equities & Derivatives, NYSE Euronext, to David Liu, Assistant Director, Division of Trading and Markets, Commission, dated May 29, 2009.

[25] *See id.*

[26] *See id.*

authorizes the lock on a case-by-case basis.[27]

The Exchange will not implement this proposed exception to the locked market prohibition unless the Exchange can identify that an order on another exchange is for the account of a customer. The options exchanges currently are working on a method to so identify customer quotations through the Options Price Reporting Authority. Absent the ability to identify a customer quote as part of an exchange's BBO, NYSE Amex will assume that the quote represents, in whole or in part, a customer order. That is, NYSE Amex will not permit its members to avail themselves of this exemption unless another exchange has informed the Exchange that it will designate all customer orders as such at OPRA, and such exchange's quotation does not contain such designation. If an exchange opts not to identify its customer quotations, the Exchange will treat all of that exchange's quotations as customer orders and, absent application of another exception, will not permit locks of such quotations.

The Exchange also proposes that the exemption is only operative for as long as the Exchange is willing to identify Customer orders in its own quote.

Temporary Rule 993NY—Temporary Rule Governing P and P/A Orders

When the Plan and implementing rules become operative it is possible that not all the options exchanges will be functionally able to operate pursuant to the Plan. Thus, in order to ensure there is full intermarket trade-through protection during this interim period, we propose to retain certain minimum trade-through rules based on the Old Plan until all the options exchanges are operating pursuant to the Plan. When that occurs we will file a rule change with the Commission to delete Temporary Rule 993NY.

Temporary Rule 993NY provides that NYSE Amex will continue to accept Principal Acting as Agent (''P/A'') and Principal Orders from options exchanges which have not fully discontinued use of the OCC managed routing hub. The handling of these orders will be subject to Temporary Rule 993NY.

Amendment of Other NYSE Amex Rules To Accommodate the Plan

We propose to amend four NYSE Amex rules in addition to those described above. First, Rule 921NY, Registration of Market Makers, allows certain Market Makers to act in an agency capacity for the purpose of sending Principal Acting as Agent (''P/A'') Orders through the Linkage. With the termination of the Linkage such provision no longer will be necessary and we thus propose to delete this provision.

Second, Rule 923NY, Appointment of Market Makers, Commentaries .01–.03 describes Intermarket Linkage Market Makers (''IMM'') and described when and how IMMs would be appointed, and the procedures that governed their appointment. With the termination of the Linkage such provisions will no longer be necessary and we thus propose to delete them.

Rule 964NY, Display, Priority and Order Allocation—Trading Systems, will be amended to remove references to the Intermarket Linkage.

Finally, Rule 476A, Minor Rule Plan, describes certain violations which are part of an expedited disciplinary process, and their attendant fines. The Exchange proposes to modify those violations which are related to the Linkage and make them applicable to the Plan and the proposed Rules.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'').[28] The basis under the Act for this proposed rule change is found in Section 6(b)(5) of the Act,[29] in that the proposed rule change is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the Exchange believes that adopting rules that implement the Plan will facilitate the trading of options in a national market system by establishing more efficient protection against trade-throughs and locked and crossed markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) by order approve the 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 No. SR–NYSEAmex–2009–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–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 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

[27] We can envision a customer authorizing a lock when the fees associating with trading against the locked market make the execution price uneconomical to the customer.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2009–19 and should be submitted on or before June 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–13394 Filed 6–8–09; 8:45 am]

BILLING CODE 8010–01–P

[30] 17 CFR 200.30–3(a)(12).

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 August 10, 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. *Psychiatric Review Technique—20 CFR 404.1520a, 416.920a—0960–0413.* The SSA–2506–BK assists the Disability Determination Services (DDS) offices in evaluating mental impairments by helping to organize and present the mental findings in a clear, concise, and consistent manner; consider and evaluate all aspects of the mental impairment relevant to the individual's ability to perform work-related mental functions; and identify additional evidence needed to determine impairment severity.

The respondents are the State DDSs and Federal DDSs administering the Title II and Title XVI programs.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 54.

Frequency of Response: 27,553.

Average Burden per Response: 15 minutes.

Estimated Annual Burden: 371,966 hours.

2. *Certificate of Election for Reduced Spouse's Benefits—20 CFR 404.421—0960–0398.* Reduced benefits are not payable to an already entitled spouse, at least age 62 but under full retirement age, who no longer has a child in care unless the spouse elects to receive reduced benefits. If a spouse decides to elect reduced benefits, they must complete Form SSA–25. SSA uses the information collected on Form SSA–25 to pay a qualified spouse who elects to receive a reduced benefit. Respondents are entitled spouses seeking reduced benefits.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 30,000.

Frequency of Response: 1.

Average Burden per Response: 2 minutes.

Estimated Annual Burden: 1,000 hours.

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 July 9, 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. *Statement of Employer—20 CFR 404.801–404.803—0960–0030.* SSA uses Form SSA–7011–F4 to substantiate allegations of wages paid to workers when those wages do not appear in SSA's records of earnings and the worker does not have proof of those earnings. SSA uses the information from this form to process claims for Social Security benefits and to resolve discrepancies in the individual's Social Security earnings record. We only send Form SSA–7011–F4 to employers if we deem it necessary. We make every effort to locate the earnings information within our records before we contact the employer. The respondents are employers who can verify wage allegations made by wage earners.

Note: This is a correction notice. SSA published this information collection as an extension on April 07, 2009 at 74 FR 15808. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 925,000.

Frequency of Response: 1.

Average Burden per Response: 20 minutes.

Estimated Annual Burden: 308,333 hours.

2. *Statement of Claimant or Other Person—20 CFR 404.702 & 416.570—0960–0045.* SSA uses the SSA–795 to obtain information from claimants or other persons having knowledge of facts in connection with claims for Supplemental Security Income (SSI) or Social Security benefits when there is no standard form to collect the needed information. SSA uses the information to process claims for benefits or for ongoing issues related to the above programs. The respondents are applicants/recipients of SSI or Social Security benefits, or others who are in a position to provide information pertinent to the claim(s).

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 305,500.

Frequency of Response: 1.

Average Burden per Response: 15 minutes.

Estimated Annual Burden: 76,375 hours.

3. *Statement of Self-Employment Income—20 CFR 404.101, 404.110,*

404.1096(a)–(d)—0960–0046. SSA collects the information on Form SSA–766 to expedite the payment of benefits to an individual who is self-employed and who is establishing insured status. The form elicits the information necessary to determine if the individual will have the minimum amount of self-employment income for quarters of coverage. Respondents are self-employed individuals who may be eligible for Social Security benefits.

Note: This is a correction notice. SSA published this information collection as an extension on April 7, 2009 at 74 FR 15808. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 2,500.

Frequency of Response: 1.

Average Burden per Response: 5 minutes.

Estimated Annual Burden: 417 hours.

4. *Certification by Religious Group—20 CFR 404.1075—0960–0093.* SSA uses information from Form SSA–1458 to determine whether a religious group meets the qualifications contained in Section 1402(g) of the Internal Revenue Code, which exempts members of certain religious groups and sects from payment of Self-Employment Contribution Act taxes. The respondents are spokespersons for religious groups or sects.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 180.

Frequency of Response: 1.

Average Burden per Response: 15 minutes.

Estimated Annual Burden: 45 hours.

5. *Instructions for Completion of Federal Assistance Application—0960–0184.* SSA uses information from Form SSA–BK–96 to select grant proposals for funding based on their technical merits. This information assists the agency in evaluating the soundness of the design of the proposed activities, the possibilities of obtaining productive results, the adequacy of resources to conduct the activities and the relationship to other similar activities of the respondents. The respondents are State and local governments, State-designated protection and advocacy groups, colleges and universities and profit and nonprofit private organizations.

Note: This is a correction notice. SSA published this information collection as an extension on April 7, 2009 at 74 FR 15808. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 400.

Frequency of Response: 2 hours.

Average Burden per Response: 14 hours.

Estimated Annual Burden: 11,200 hours.

6. *Representative Payee Report—Special Veterans Benefits—20 CFR 408.665—0960–0621.* Title VIII of the Social Security Act allows the payment of monthly benefits (referred to as Special Veterans Benefits) by the Commissioner of Social Security to qualified World War II veterans who reside outside the United States. An SSA-appointed representative payee may receive and manage the monthly payment for the beneficiary's use and benefit. SSA uses the Form SSA–2001–F6 to determine if the payee has used the benefits properly and continues to demonstrate strong concern for the beneficiary. Respondents are persons or organizations who act on behalf of beneficiaries receiving Special Veterans Benefits.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 100.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 17 hours.

7. *Request for Deceased Individual's Social Security Record—20 CFR 402.130—0960–0665.* SSA uses the Form SSA–711 to process requests from the public for a microprint of the SS–5, Application for Social Security Card, for a deceased individual. Respondents are members of the public who are requesting deceased individuals' Social Security records.

Note: This is a correction notice. SSA published this information collection as an extension on April 7, 2009 at 74 FR 15808. Since we are revising the Privacy Act Statement, this is now a revision of OMB-approved information.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden per Response: 7 minutes.

Estimated Annual Burden: 5,834 hours.

8. *Request for Business Entity Taxpayer Information—0960–0731.* SSA uses the SSA–1694 to collect information from law firms or other business entities that have partners or employees to facilitate direct payment of SSA-authorized fees for representing claimants before SSA. SSA will use this information to meet any requirement for issuance of a Form 1099–MISC. The respondent law firms or other business entities that represent claimants before SSA.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 2,000.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 333 hours.

Type of Request: Revision of an OMB-approved information collection.

9. *Electronic Records Express—0960–0753.* Electronic Records Express (ERE) is a Web-based SSA program that allows medical providers to electronically submit disability claimant data to SSA. Medical providers and other third parties with connections to disability applicants/recipients can use this system. This information collection request (ICR) includes the registration process for becoming a certified ERE user. We are expanding this ICR to include increased functionality by giving medical providers the ability to submit invoices electronically. The respondents are medical providers who evaluate or treat disability claimants/recipients and other third parties.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 17,689.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 2,948 hours.

III. Correction Notices

1. *Function Report Adult—Third Party—20 CFR 404.1512 & 416.912—0960–0635.* This is a correction notice: SSA inadvertently published duplicate notices for this collection at 74 FR 23764 on 5/20/09 and again at 74 FR 23916 on 5/21/09. The first publication was in error. Therefore, we request comments only for the second publication with a submission date no later than July 20, 2009.

2. *Function Report Adult—20 CFR 404.1512 & 416.912—0960–0681.* This is a correction notice: SSA inadvertently published duplicate notices for this collection at 74 FR 23764 on 5/20/09 and again at 74 FR 23916 on 5/21/09. The first publication was in error. Therefore, we request comments only for the second publication with a submission date no later than July 20, 2009.

Dated: June 2, 2009.

John Biles,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. E9–13316 Filed 6–8–09; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, Interstate 5 from post mile 9.36 to 9.88 and State Route 74 (Ortega Highway) from post mile 0.0 to 0.2 in Orange County, California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 7, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Smita Deshpande, California Department of Transportation, District 12, 3337 Michelson Drive, Suite 380, Irvine, CA 92612–8894, CA 94201–1400, telephone (949) 724–2000, *Smita_Deshpande@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA), assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Interstate 5/State Route 74 (Ortega Highway) Interchange Improvements Project will provide a double cloverleaf design with dual-lane loop on-ramps located in the northwest and southeast quadrants of the interchange. The southbound and northbound off-ramps would be realigned to terminate at the intersections of Del Obispo Street and Los Cerritos Avenue, respectively. Del Obispo Street would be widened and realigned to meet the new southbound off-ramp configuration. Furthermore, Ortega Highway would be widened and/or restriped to accommodate the additional eastbound and westbound through/turn lanes and to allow for lane widening to standard widths. Minor amounts of new right of way and permanent easements are required. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on April 1, 2009 in the Finding of No Significant Impact (FONSI) issued on April 1, 2009 and in other documents in the Caltrans project records. The EA, FONSI, and other project records are available by contacting the California Department of Transportation, District 12 at the addresses provided above. The FONSI can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist12/5-74EIR.htm.*

This notice applies to all agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: June 3, 2009.

Cindy Vigue,

Director, State Programs, Federal Highway Administration.

[FR Doc. E9–13415 Filed 6–8–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Senior Executive Service Performance Review Board

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice.

SUMMARY: The Surface Transportation Board (STB) publishes the names of the Persons selected to serve on its Senior Executive Service Performance Review Board (PRB).

FOR FURTHER INFORMATION CONTACT: Paula Chandler, Director of Human Resources, (202) 245–0340.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 4314 requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, 5 U.S.C. 4314(c) requires each agency to establish one or more PRBs, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on STB's PRB.

Leland L. Gardner, Director, Office of Economics, Environmental Analysis and Administration.

Matthew T. Wallen, Director, Office Public Assistance, Governmental Affairs, and Enforcement.

Rachel D. Campbell, Director, Office of Proceedings.

Ellen D. Hanson, General Counsel.

Dated: June 2, 2009.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. E9–13400 Filed 6–8–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 2, 2009.

The Department of 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 July 9, 2009 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0805.

Type of Review: Revision.

Form: 5472.

Title: Information return on a 25% Foreign Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.

Description: Form 5472 is used to report information about transactions between a U.S. corporation that is 25% foreign owned or a foreign corporation that is engaged in a U.S. trade or business and related foreign parties. The IRS uses Form 5472 to determine if inventory or other costs deducted by the U.S. or foreign corporation are correct.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 2,544,784 hours.

OMB Number: 1545–1086.

Type of Review: Extension.

Form: 8725.

Title: Excise Tax on Greenmail.

Description: Form 8725 is used by persons who receive ''greenmail'' to compute and pay the excise tax on greenmail imposed under section 5881. IRS uses the information to verify that the correct amount of tax has been reported.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 92 hours.

OMB Number: 1545–0820.

Type of Review: Extension.

Title: REG–122917–02 (Final) Statutory Options (Previously EE–86–88 (LR–279–81)).

Description: The affected public includes corporations that transfer stock to employees after 1979 pursuant to the exercise of a statutory stock option. The corporation must furnish the employee receiving the stock with a written statement describing the transfer. The statement will assist the employee in filing their tax return.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 16,650 hours.

OMB Number: 1545–1227.

Type of Review: Extension.

Title: FI–104–90 Final Tax Treatment of Salvage and Reinsurance.

Description: The regulation provides a disclosure requirement for an insurance company that increases losses shown on its annual statement by the amount of estimated salvage recoverable taken into account.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 5,000 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. E9–13491 Filed 6–8–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on June 29–30, 2009, in Room 462 at the Crosstown Center, Boston University School of Public Health, 801 Massachusetts Avenue, Boston, Massachusetts. The session will convene at 8 a.m. and adjourn at 5 p.m. on June 29. The session will convene at 8 a.m. and adjourn at 1:15 p.m. on June 30. The meeting is open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War.

The Committee will review VA program activities related to Gulf War Veterans' illnesses and updates on relevant scientific research published since the last Committee meeting. The session on June 29 will be devoted to presentations of ongoing research related to immune function and inflammation in chronic multisymptom illness among Gulf War Veterans, the potential effects of oil well fires, and the identification of objective markers to distinguish ill from well Veterans and possible treatments. There will also be updates of the VA Gulf War research program and the VA-funded Gulf War illnesses research program at the University of Texas Southwestern Medical Center. The session on June 30 will be devoted to presentations on current treatments for chronic multisymptom illnesses. Additionally, there will be discussion of Committee business and activities.

Public comments will be received at 4:30–5 p.m. on June 29 and at 12:45–1:15 p.m. on June 30. Individuals who

speak are invited to submit 1–2 page summaries of their comments for inclusion in the official record. A sign-in sheet for five-minute comments will be available each day. Members of the public may also submit written statements for the Committee's review to Dr. Roberta White at *rwhite@bu.edu*.

Any member of the public seeking additional information should contact Dr. William Goldberg, Designated Federal Officer, at (202) 461–1667 or Dr. Roberta White, Scientific Director, at (617) 278–4517.

Dated: June 4, 2009.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E9–13522 Filed 6–8–09; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
June 9, 2009

Part II

Department of the Treasury

Office of the Comptroller of the Currency

Federal Reserve System

Federal Deposit Insurance Corporation

Department of the Treasury

Office of Thrift Supervision

Farm Credit Administration

National Credit Union Administration

12 CFR Parts 34, 208, 365, et al.

Registration of Mortgage Loan Originators; Proposed Rule

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket ID OCC–2009–0005]

RIN 1557–AD23

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Docket No. R–1357]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 365

RIN 3064–AD43

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563

[Docket No. 2009–0004]

RIN 1550–AC33

FARM CREDIT ADMINISTRATION

12 CFR Part 610

RIN 3052–AC52

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 761

RIN 3133–AD59

Registration of Mortgage Loan Originators

AGENCIES: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision, Treasury (OTS); Farm Credit Administration (FCA); and National Credit Union Administration (NCUA).

ACTION: Joint notice of proposed rulemaking.

SUMMARY: The OCC, Board, FDIC, OTS, FCA, and NCUA (collectively, the Agencies) are proposing amendments to their rules to implement the Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act). The S.A.F.E. Act requires an employee of a bank, savings association, credit union or other depository institution and their subsidiaries regulated by a Federal banking agency or an employee of an institution regulated by the FCA (collectively, Agency-regulated institutions) who acts as a residential mortgage loan originator to register with the Nationwide Mortgage Licensing System and Registry (Registry), obtain a unique identifier, and maintain this registration. This proposal implements these requirements. It also provides that Agency-regulated institutions must require their employees who act as residential mortgage loan originators to comply with the S.A.F.E. Act's requirements to register and obtain a unique identifier and must adopt and follow written policies and procedures designed to assure compliance with these requirements.

DATES: Comments must be received on or before July 9, 2009. Comments on the Paperwork Reduction Act analysis set forth in Part II of the Regulatory Analysis Section of this **Federal Register** notice must be received on or before August 10, 2009.

ADDRESSES: Commenters that direct comments to more than one Agency may send comments to any of the Agencies and need not send copies of the same comment letter to all of the Agencies. Commenters are encouraged to use the title ''Registration of Mortgage Loan Originators'' to facilitate the organization and distribution of comments among the Agencies. Interested parties are invited to submit written comments to:

Office of the Comptroller of the Currency: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by the Federal eRulemaking Portal or e-mail, if possible. Please use the title ''Registration of Mortgage Loan Originators'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *http://www.regulations.gov*, under the ''More Search Options'' tab click next to the ''Advanced Docket Search'' option where indicated, select ''Comptroller of the Currency'' from the agency drop-down menu, then click ''Submit.'' In the ''Docket ID'' column, select ''OCC–2009–0005'' to submit or view public comments and to view supporting and related materials for this proposal. The ''How to Use This Site'' link on the Regulations.gov home page provides information on using Regulations.gov, including instructions for submitting or viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- *E-mail: regs.comments@occ.treas.gov*.
- *Mail:* Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 2–3, Washington, DC 20219.
- *Fax:* (202) 874–5274.
- *Hand Delivery/Courier:* 250 E Street, SW., Mail Stop 2–3, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket Number OCC–2009–0005'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this proposal by any of the following methods:

- *Viewing Comments Electronically:* Go to *http://www.regulations.gov,* under the ''More Search Options'' tab click next to the ''Advanced Document Search'' option where indicated, select ''Comptroller of the Currency'' from the agency drop-down menu, then click ''Submit.'' In the ''Docket ID'' column, select ''OCC–2009–0005'' to view public comments for this rulemaking action.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.
- *Docket:* You may also view or request available background documents and project summaries using the methods described above.

Board of Governors of the Federal Reserve System: You may submit comments, identified by Docket No. R–1357, by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov*. Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm*.

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

• *E-mail: regs.comments@federalreserve.gov*. Include the docket number in the subject line of the message.

• *Fax:* (202) 452–3819 or (202) 452–3102.

• *Mail:* Address to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

Federal Deposit Insurance Corporation: You may submit comments, identified by RIN number, by any of the following methods:

• *Agency Web site: http://www.FDIC.gov/regulations/laws/federal/notices.html*. Follow instructions for submitting comments on the Agency Web site.

• *E-mail: Comments@FDIC.gov*. Include the RIN number on the subject line of the message.

• *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

• *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All comments received must include the agency name and RIN for this rulemaking and will be posted without change to *http://www.fdic.gov/regulations/laws/federal/propose.html*, including any personal information provided.

Office of Thrift Supervision: You may submit comments, identified by OTS–2009–0004, by any of the following methods:

• *Federal eRulemaking Portal*—''Regulations.gov'': Go to *http://www.regulations.gov*, under the ''more Search Options'' tab click next to the ''Advanced Docket Search'' option where indicated, select ''Office of Thrift Supervision'' from the agency drop-down menu, then click ''Submit.'' In the ''Docket ID'' column, select ''OTS–2009–0004'' to submit or view public comments and to view supporting and related materials for this proposed rulemaking. The ''How to Use This Site'' link on the Regulations.gov home page provides information on using Regulations.gov, including instructions for submitting or viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.

• *E-mail address: regs.comments@ots.treas.gov*. Please include OTS–2009–0004 in the subject line of the message and include your name and telephone number in the message.

• *Mail:* Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: OTS–2009–0004.

• *Facsimile:* (202) 906–6518.

• *Hand Delivery/Courier:* Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days, Attention: Regulation Comments, Chief Counsel's Office, Attention: OTS–2009–0004.

• *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be entered into the docket and posted on Regulations.gov without change, including any personal information provided. Comments, including attachments and other supporting materials received, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

• *Viewing Comments On-Site:* You may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–6518. (Prior notice identifying the materials you will be requesting will assist us in serving you.) We schedule appointments on business days between 10 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date we receive a request.

Farm Credit Administration: We offer a variety of methods to receive your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by e-mail or through the FCA's Web site or the Federal eRulemaking Portal. As faxes are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

• *E-mail:* Send us an e-mail at *regcomm@fca.gov*.

• *FCA Web site: http://www.fca.gov*. Select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Submitting a Comment.''

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

• *Mail:* Gary K. Van Meter, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of comments we received at our office in McLean, Virginia, or from our Web site at *http://www.fca.gov*. Once you are in the Web site, select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove e-mail addresses to help reduce Internet spam.

National Credit Union Administration: You may submit comments by any of the following methods (please send comments by one method only):

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

• *NCUA Web Site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html*. Follow the instructions for submitting comments.

• *E-mail:* Address to *regcomments@ncua.gov*. Include ''[Your name] Comments on Notice of Proposed Rulemaking Part 761, Registration of Mortgage Loan Originators'' in the e-mail subject line.

• *Fax:* (703) 518–6319. Use the subject line described above for e-mail.

• *Mail:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

• *Hand Delivery/Courier:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration. Deliver to guard station in the lobby of 1775 Duke Street, Alexandria, VA 22314–3428, on business days between 8 a.m. and 5 p.m.

• *Public inspection:* All public comments are available on the agency's Web site at *http://www.ncua.gov/RegulationsOpinionsLaws/comments* as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library, at 1775 Duke Street, Alexandria, VA 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an e-mail to *OGCMail@ncua.gov*.

FOR FURTHER INFORMATION CONTACT:

OCC: Michele Meyer, Assistant Director, and Heidi Thomas, Special Counsel, Legislative and Regulatory Activities, (202) 874–5090, and Nan Goulet, Senior Advisor, Large Bank Supervision, (202) 874–5224, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

BOARD: Anne Zorc, Counsel, Legal Division, (202) 452–3876, Virginia Gibbs, Senior Supervisory Analyst, (202) 452–2521, and Stanley Rediger, Supervisory Financial Analyst, (202) 452–2629, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Thomas F. Lyons, Examination Specialist, (202) 898–6850, Victoria Pawelski, Policy Analyst, (202) 898–3571, or John P. Kotsiras, Financial Analyst, (202) 898–6620, Division of Supervision and Consumer Protection; or Richard Foley, Counsel, (202) 898–3784, or Kimberly A. Stock, Counsel, (202) 898–3815, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

OTS: Charlotte M. Bahin, Special Counsel (Special Projects), (202) 906–6452, Vicki Hawkins-Jones, Special Counsel, Regulations and Legislation Division, (202) 906–7034, Debbie Merkle, Project Manager, Credit Risk, (202) 906–5688, and Rhonda Daniels, Senior Compliance Program Analyst, Consumer Regulations, (202) 906–7158, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

FCA: Gary K. Van Meter, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA, (703) 883–4414, TTY (703) 883–4434; Richard A. Katz, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020; or Jennifer Cohn, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

NCUA: Regina Metz, Staff Attorney, Office of General Counsel, at the above address or 703–518–6561; or Roger Blake, Program Officer, Division of Supervision, Examination & Insurance, at the above address or 703–518–6385.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Requirements

The S.A.F.E. Act,[1] enacted on July 30, 2008, mandates a nationwide licensing and/or registration system for mortgage loan originators. Specifically, the Act requires all States to provide for a licensing regime for mortgage loan originators within one year of enactment (or two years for States whose legislatures meet biennially) and prohibits an individual employed by a State-regulated institution from engaging in the business of residential mortgage loan origination without first obtaining and maintaining a license and registration and obtaining a unique identifier (State licensing).[2]

With respect to mortgage loan originators employed by Agency-regulated institutions, the Act requires the OCC, Board, FDIC, OTS and NCUA,[3] through the Federal Financial Institutions Examination Council (FFIEC), and the FCA to develop and maintain a Federal registration system, and to implement this system by July 29, 2009 (Federal registration). The S.A.F.E. Act specifically prohibits an individual employed by an Agency-regulated institution from engaging in the business of residential mortgage loan origination without first obtaining and maintaining annually a registration as a registered mortgage loan originator and obtaining a unique identifier. This rulemaking implements these requirements for Agency-regulated institutions.

The S.A.F.E. Act requires that Federal registration and State licensing and registration must be accomplished through the Registry. The S.A.F.E. Act provides that the objectives of the Registry, among other things, are to aggregate and improve the flow of information to and between regulators; provide increased accountability and tracking of mortgage loan originators; enhance consumer protections; reduce fraud in the residential mortgage loan origination process; and provide consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.[4]

The S.A.F.E. Act specifically requires the Agencies to jointly develop and maintain a system for registering mortgage loan originators employed by Agency-regulated institutions with the Registry. In connection with this registration, the Agencies at a minimum must furnish or cause to be furnished to the Registry information concerning the mortgage loan originator's identity, including: (1) Fingerprints for submission to the Federal Bureau of Investigation (FBI) and any other relevant governmental agency for a State and national criminal background check; and (2) personal history and experience, including authorization for the Registry to obtain information related to any administrative, civil, or criminal findings by any governmental jurisdiction.[5]

B. Implementing the Requirements for Federal Registration

The Registry is a Web-based system developed and maintained by the Conference of State Bank Supervisors (CSBS) and the American Association of Residential Mortgage Regulators (AARMR). The Registry was launched in January of 2008 for State licensing and registration purposes in participating States.[6] Mortgage loan originators in

[1] The S.A.F.E. Act was enacted as part of the Housing and Economic Recovery Act of 2008, Public Law 110–289, Division A, Title V, sections 1501–1517, 122 Stat. 2654, 2810–2824 (July 30, 2008), *codified at* 12 U.S.C. 5101–5116. Citations in this preamble are to the ''S.A.F.E. Act'' by section number in the public law.

[2] If the Secretary of Housing and Urban Development (HUD) determines that any State fails, within the statutorily prescribed time frame, to establish a licensing regime that meets the requirements of the S.A.F.E. Act, the Secretary is required to establish a system for the licensing and registration of mortgage loan originators in that State. S.A.F.E. Act at section 1508. HUD has reviewed the model legislation developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators to assist States in meeting the minimum requirements of the S.A.F.E. Act and found it to meet these requirements. *See* 74 FR 312 (Jan. 5, 2009) and *http://www.hud.gov/offices/hsg/sfh/mps/smlicact.cfm*.

[3] The OCC, Board, FDIC, OTS, and NCUA are referred to both in the S.A.F.E. Act and in this rulemaking as the ''Federal banking agencies.''

[4] *See* S.A.F.E. Act at section 1502.

[5] *Id.* at section 1507(a).

[6] As of the date of this proposal, 26 States use this system to manage the processing of their mortgage licenses. This system is owned and operated by the State Regulatory Registry LLC (SRR), a limited-liability company established by CSBS as a wholly-owned subsidiary to develop and operate nationwide systems for State regulators in the financial services industry, and has been built and is maintained by the Financial Industry Regulatory Authority (FINRA), which operates similar systems in the securities industry. To obtain more information on this system, *see http://www.stateregulatoryregistry.org*. (For purposes of this rulemaking, reference to the Registry refers, as

those States complete a single uniform form (known as the MU4) electronically. The data provided on the form is stored electronically in a secure, centralized repository available to State mortgage regulators who use it to process license applications and for supervisory purposes.

The Federal banking agencies, through the FFIEC, and the FCA are working with CSBS to modify the Registry so that it can accept registrations from mortgage loan originators employed by Agency-regulated institutions. As indicated above, the Registry currently supports the licensing of State mortgage lending institutions and their mortgage loan originators, a process that involves State authorization of individuals to engage in mortgage loan origination. It was not originally designed to support the Federal registration of Agency-regulated institution employees, who do not need additional authorization from the appropriate Federal agency to engage in mortgage loan origination activities. Furthermore, the S.A.F.E. Act requires new enhancements to the current system, such as public access to certain mortgage loan originator data and processing of fingerprints through the Registry. These differences between the current Registry and the Federal registration system required by the S.A.F.E. Act, as well as the resulting modifications necessary to support both State licensing and Federal registration functions, require careful analysis and raise complex legal and system development issues that the Agencies are addressing through both this rulemaking and modifications to the Registry. These issues include: Consistency of data requirements for mortgage loan originators subject to Agency jurisdiction and those subject to State jurisdiction; modification to Web-page navigation in the current system; registration functionality for the anticipated hundreds of thousands of Federal registrants; Federal procurement and contracting issues; data privacy and security requirements; and protocols for submitting mortgage loan originators' fingerprints to the FBI. Furthermore, the modified system is expected to support mortgage loan originators who move between the Federal registration and the State licensing regimes due to employment changes or who are licensed under one or more State regimes and also registered under the Federal regime.[7] The Agencies and CSBS have made substantial progress in resolving these issues, and the Agencies expect to enter into an agreement with the Registry that will provide for appropriate consultation between the Agencies and the Registry concerning registrant information requirements and fees, system functionality and security, and other operational matters. However, final determination of system costs, funding, design, development and deployment will not be completed until after the Agencies adopt a final rule establishing registration requirements.

This proposal provides for a 180-day period within which to complete initial registrations after the Registry is capable of accepting registrations from employees of Agency-regulated institutions. During this period, employees of Agency-regulated institutions would not be subject to sanctions if they originate residential mortgage loans without having completed their registration. The Agencies expect that this time period would provide mortgage loan originators and the Agency-regulated institutions that employ them adequate opportunity to prepare for the registrations required under this proposal. The Agencies intend to make a formal public announcement, in advance, of the date when the Registry will begin accepting registrations from employees of Agency-regulated institutions.

When fully operational, mortgage loan originators and their Agency-regulated institution employers are expected to have access to the Registry, seven days a week, to establish and maintain their registrations. Furthermore, the CSBS plans to phase-in system enhancements to provide consumers with access to certain information from the Registry in order for them to obtain information on State-licensed and Federally-registered mortgage loan originators.

As indicated above, and consistent with the S.A.F.E. Act, the Registry will not screen or approve registrations received from employees of Agency-regulated institutions. Instead, it will be the repository of, and conduit for, information on those employees who are mortgage loan originators at Agency-regulated institutions. As provided in § __.104(d) and (h) of the proposed rule, it will be the responsibility of the Agency-regulated institution to review its employees' submissions as well as any reports received from the Registry.

II. Overview of the Proposal

The proposed rule implements the S.A.F.E. Act's requirements with respect to Agency-regulated institutions. It requires individuals employed by these institutions who act as mortgage loan originators to register with the Registry, obtain unique identifiers, and maintain their registrations. The proposal also directs Agency-regulated institutions to require compliance with these requirements. Furthermore, the proposal requires Agency-regulated institutions to adopt and follow written policies and procedures to assure such compliance.

A detailed section-by-section description of this proposal with a request for comments is set forth below.

III. Section-by-Section Description of the Proposed Rule

Section __.101—Authority, Purpose, and Scope

Section __.101[8] states that this rule implements the S.A.F.E. Act's Federal registration requirements, which apply to individuals who originate residential mortgage loans, and describes the objectives of the S.A.F.E. Act's registration mandate. This section also identifies the entities that employ individual mortgage loan originators—entities referred to in this preamble discussion as Agency-regulated institutions—and that also are covered by this proposal. Under the S.A.F.E. Act, a mortgage loan originator must be Federally-registered if that individual is an employee of a depository institution, an employee of any subsidiary owned and controlled by a depository institution and regulated by a Federal banking agency, or an employee of an institution regulated by the FCA. Collectively, the Agencies' proposed rule applies to a depository institution, any subsidiary of a depository institution that is regulated by a Federal banking agency, and an institution regulated by the FCA. Section 1503(2) of the S.A.F.E. Act provides that ''depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (FDI Act),[9] and

applicable, to the system itself and to CSBS and SRR.)

[7] The Agencies note that some employees of Agency-regulated institutions may also be subject to the State licensing and registration regime. For example, employees who act as mortgage loan originators for a bank and a nondepository subsidiary of a bank holding company would be subject to both regimes.

[8] Because each Agency's proposed rule will amend a different part of the Code of Federal Regulations but will have a similar numbering, relevant sections are cited, for example, as ''§ __.101'' unless otherwise noted.

[9] Section 3 of the FDI Act defines ''depository institution'' as any bank or savings association. The term ''bank'' in section 3 of the FDI Act means any national bank, State bank, Federal branch, and insured branch and includes any former savings association. The term ''savings association'' means any Federal savings association, state savings association, and any corporation other than a bank that the FDIC and the OTS jointly determine to be

Continued

includes any credit union. The Agencies note that because the definition of ''depository institution'' in the FDI Act and in the S.A.F.E. Act does not include bank or savings association holding companies or their non-depository subsidiaries, employees of these entities who act as mortgage loan originators are not covered by the Federal registration requirement and, therefore, must comply with State registration and licensing requirements.

Each Agency's proposed rule indicates the specific entities covered by the proposal. With respect to the OCC, this rule applies to national banks, Federal branches and agencies of foreign banks, their operating subsidiaries, and their employees who are mortgage loan originators.[10] For the Board, this rule applies to member banks of the Federal Reserve System (other than national banks), their respective subsidiaries that are not functionally regulated within the meaning of section 5(c)(5) of the Bank Holding Company Act, as amended (12 U.S.C. 1844(c)(5)); and branches and agencies of foreign banks (other than Federal branches, Federal agencies and insured State branches of foreign banks) and commercial lending companies owned or controlled by foreign banks [11] and their employees who act as mortgage loan originators. For the FDIC, this rule applies to insured State nonmember banks (including State-licensed insured branches of foreign banks) and their subsidiaries (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) and their employees who are mortgage loan originators. For the OTS, this rule applies to savings associations and their operating subsidiaries, and their employees who are mortgage loan originators. For the FCA, this rule applies to Farm Credit System (FCS or System) institutions that originate residential mortgage loans under sections 1.9(3), 1.11 and 2.4(a)(2) and (b) of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2017(3), 2019, and 2075(a)(2) and (b), and their employees who are mortgage loan originators.[12] For the NCUA, this rule applies to Federally-insured credit unions and their employees who are mortgage loan originators.

Section 1507 of the S.A.F.E. Act requires the Federal banking agencies to make such *de minimis* exceptions ''as may be appropriate'' to the Act's requirements to register and obtain a unique identifier.[13] Section ___.101(c)(2) of the proposed rule states that these registration requirements do not apply to an employee of an Agency-regulated institution if during the last 12 months: (1) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and (2) the Agency-regulated institution employs mortgage loan originators who, while excepted from registration pursuant to this section, in the aggregate, acted as a mortgage loan originator in connection with 25 or fewer residential mortgage loans.[14] An employee must register with the Registry prior to engaging in mortgage loan origination activity that exceeds either the individual or aggregate limit. The Agencies solicit comment on whether the proposed exception adequately and appropriately covers circumstances that are truly *de minimis* and whether any *de minimis* exception is appropriate.[15]

In addition, the Agencies specifically invite comment on: whether the individual and institution-wide limits on the number of residential mortgage loans for which employees may act as a mortgage loan originator without registering and obtaining a unique identifier are appropriate; whether the proposed exception is adequately structured to prevent manipulation or ''gaming'' of the registration requirements; whether an institution should aggregate its residential mortgage loans with its subsidiaries when calculating the number of mortgage loans originated for purposes of this exception; whether monitoring for compliance with the proposed exception would be unduly burdensome for Agency-regulated institutions, and if so, how such burden could be minimized; and whether the proposed exception is consistent with the

operating in substantially the same manner as a savings association. 12 U.S.C. 1813.

[10] The S.A.F.E. Act's definition of depository institution includes Federal branches of foreign banks but not Federal agencies of foreign banks. However, the OCC has applied the Federal registration requirements to these entities because they are Federally regulated and have the authority to originate residential mortgage loans and, therefore, should not be treated differently from other Federally regulated or Federally insured institutions.

[11] The Board notes that it proposes to cover branches and agencies of foreign banks (other than Federal branches, Federal agencies and insured State branches of foreign banks); and commercial lending companies owned or controlled by foreign banks pursuant to its authority under the International Banking Act (IBA) (Chapter 32 of Title 12) to issue such rules it deems necessary in order to perform its respective duties and functions under the chapter and to administer and carry out the provisions and purposes of the chapter and prevent evasions thereof. 12 U.S.C. 3108(a). The Board notes that the IBA provides, in relevant part, that the above entities shall conduct their operations in the United States in full compliance with provisions of any law of the United States which imposes requirements that protect the rights of consumers in financial transactions, to the extent that the branch, agency, or commercial lending company engages in activities that are subject to such laws, and apply to State-chartered banks, doing business in the State in which such branch or agency or commercial lending company, as the case may be, is doing business. 12 U.S.C. 3106a(b)(1). Under the Board's proposal the above entities would be subject to the same Federal registration requirements as Federal branches, Federal agencies and insured State branches of foreign banks, which are covered in the OCC and FDIC rules, respectively.

[12] Some FCS associations may not exercise their statutory authority to make residential mortgage loans, and FCS banks no longer engage in residential mortgage origination activities because they have transferred their direct lending authority to their affiliated associations. The FCA emphasizes that employees of FCS banks and associations that do not engage in residential mortgage loan origination activities are not subject to the registration requirements of the S.A.F.E. and these regulations. The Federal Agricultural Mortgage Corporation (Farmer Mac) is an FCS institution that among other activities operates a secondary market for rural residential mortgage loans. The FCA determines that Farmer Mac employees are not subject to the registration requirements of the S.A.F.E. Act and these implementing regulations because Farmer Mac does not engage in mortgage loan origination activities for rural residents. The Farmer Mac secondary market is modeled after Fannie Mae and Freddie Mac, and the provisions of the S.A.F.E. Act do not expressly apply to employees at Fannie Mae and Freddie Mac.

[13] *See* S.A.F.E. Act at sections 1507(c) (*de minimis* exceptions), 1504(a)(1)(A) (requirement to register), 1504(a)(2) (requirement to obtain a unique identifier).

[14] For example, assume an Agency-regulated institution has six employees, A, B, C, D, E, and F who are not registered loan originators for an Agency-regulated institution. Employees A, B, C, and D have acted as mortgage loan originators on five mortgage loans each during the same 12-month period, while employee E has acted as a mortgage loan originator with respect to four mortgage loans during this same time. Employee F has not acted as a mortgage loan originator during this 12-month period. The institution has not exceeded its aggregate exception limit of 25 mortgage loans. Employees A, B, C, and D must register before acting as a mortgage loan originator with respect to any additional mortgage loan during this 12-month period because any one of them would exceed the individual exception limit of five mortgage loans each. Employee E, who has acted as a mortgage loan originator with respect to four loans may act as a mortgage loan originator with respect to one more loan because he or she would not exceed the individual exception limit of five mortgage loans and the institution would not exceed the aggregate exception limit of 25 mortgage loans. After employee E acts as a mortgage loan originator with respect to his or her fifth loan, and the 25th loan for the institution, the exception in ___.101(c) is no longer available to any employee (A, B, C, D, E, or F) who acts as a mortgage loan originator at the institution during this 12-month period.

[15] The FCA joins the Federal banking agencies in proposing a *de minimis* exception pursuant to its authority under section 5.17(a)(11) of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2252(a)(11) to ''exercise such incidental powers as may be necessary or appropriate to fulfill its duties * * *'' In this case, the FCA is exercising its incidental powers to fulfill the requirement in the S.A.F.E. Act that it work together the Federal banking agencies to develop and maintain a system for registering residential mortgage loan originators at Agency-regulated institutions with the Registry. A coordinated and uniform approach to the *de minimis* exception among the Agencies is appropriate because it best fulfills the objectives of the S.A.F.E. Act.

consumer protection and fraud prevention purposes of the S.A.F.E. Act.

The Agencies also solicit comment on whether an asset-based threshold is appropriate or whether other types of limits or thresholds, or other ways of structuring a *de minimis* exception, would be more appropriate. For example, should the proposed *de minimis* exception be applicable only to Agency-regulated institutions with total assets that do not exceed the amount that the Board establishes annually for banks, savings associations, and credit unions as an exception from the Home Mortgage Disclosure Act (HMDA)? [16]

Furthermore, please provide comment on whether alternatively, or in addition to the foregoing, a *de minimis* exception should be crafted to be event specific. For example, a *de minimis* exception might provide that the registration requirements would not apply to an employee who does not regularly function as a mortgage loan originator and who originates no more than a small number of loans within a 12-month period during the absence (such as vacation or illness) of the individual that regularly functions as the Agency-regulated institution's mortgage loan originator.

The Agencies note that the *de minimis* exception contained in the proposed rule would be voluntary; it would not prevent a mortgage loan originator who meets the criteria for the exception from registering with the Registry if the originator chooses to do so or if his or her employer requires registration.

Section ___.102—Definitions

Section __.102 defines the various terms used in the proposal. If a term is defined in the S.A.F.E. Act, the proposal generally incorporates that definition. The proposal has adopted other definitions used by the Registry in order to promote consistency and comparability, insofar as is feasible, between Federal registration requirements and the States' licensing requirements.

Annual renewal period. The proposal requires that a mortgage loan originator renew his or her registration annually during the annual renewal period. The annual renewal period is November 1 through December 31 of each calendar year and a registered mortgage loan originator must renew during this period regardless of the date of the initial registration. For example, an employee who registered in October 2010 would have to renew between November 1, 2010 and December 31, 2010. This is the same annual renewal period provided to State mortgage loan originators by the Registry. However, the Agencies and the Registry are discussing whether an alternate annual renewal period for Agency-regulated institutions at a different time of year from the annual renewal period of the State mortgage loan originators may be more desirable from a technical and operational standpoint. For example the final rule may designate the annual renewal period during another two-month time period during the year instead of the proposed renewal period. Furthermore, the Agencies are considering whether the rule should provide for a method in which the rule's registration requirements may be temporarily waived, or the initial registration or renewal period extended, in case of emergency, systems malfunction, or other event beyond the control of the Agency-regulated institution or the mortgage loan originator.

Mortgage loan originator. The proposed definition of ''mortgage loan originator'' is based on the definition of the term ''loan originator'' included in the S.A.F.E. Act at section 1503(3). Specifically, this term means an individual who takes a residential mortgage loan application and offers or negotiates terms of a residential mortgage loan for compensation or gain. The term does not include: (1) Any individual who performs purely administrative or clerical tasks on behalf of an individual who is a mortgage loan originator; (2) any individual performing only real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) [17] and is licensed or registered as a real estate broker in accordance with applicable State law, unless the individual is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator; or (3) any individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).[18] For purposes of this definition, the proposal defines ''administrative or clerical tasks'' to mean: (1) The receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan; and (2) communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan. The Agencies note that the appendix to the proposal includes examples of the types of activities the Agencies consider to be both within and outside the scope of residential mortgage loan origination activities.

To the extent it is within the scope of the S.A.F.E. Act, the Agencies are requesting comment on whether the definition of ''mortgage loan originator'' should cover individuals who modify existing residential mortgage loans. If so, the Agencies seek comment on whether these individuals should be excluded from the definition. For example, the Agencies are considering whether the final rule should exclude from this definition persons who modify an existing residential mortgage loan, pursuant to applicable law, provided this modification does not constitute a refinancing (that is, the satisfaction or extinguishment of the original obligation and replacement by a new obligation) and is completed in accordance with a contract between the parties, including any workout agreement.

[16] For 2009, that amount is $39 million. *See* 73 FR 78616 (Dec. 23, 2008). Pursuant to the HMDA (12 U.S.C. 2808) and Board Regulation C (12 CFR 203.2(e)(1)(i)), the asset-size threshold is adjusted annually based on year-to-year changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

[17] The S.A.F.E. Act defines ''real estate brokerage activity'' to mean any activity that involves offering or providing real estate brokerage services to the public, including: (i) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property; (ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property; (iii) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction); (iv) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and (v) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), or (iv). S.A.F.E. Act at § 1503(3)(D). Nothing in this proposal would constitute an authorization for Agency-regulated institutions to engage in real estate brokerage, or any other activity, for which the institution does not have independent authority pursuant to Federal or State law, as applicable.

[18] ''Timeshare plan'' is defined in 11 U.S.C. 101 (53D) as an interest purchased in any arrangement, plan, scheme, or similar device, but not including exchange programs, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives a right to use accommodations, facilities, or recreational sites, whether improved or unimproved, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years. A ''timeshare interest'' is that interest purchased in a timeshare plan which grants the purchaser the right to use and occupy accommodations, facilities, or recreational sites, whether improved or unimproved, pursuant to a timeshare plan.

The Agencies seek comment on whether an exclusion for individuals who modify existing residential mortgage loans would be appropriate in light of the S.A.F.E. Act's objectives of providing increased accountability and tracking of the mortgage loan originators, enhancing consumer protection, reducing fraud in the residential mortgage loan origination process, and providing consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators. Comment is also requested on whether the final rule should delay the registration requirement for individuals engaged in loan modifications for only a specified period in light of current economic conditions and the national importance of encouraging mortgage lenders to engage in foreclosure mitigation activities.

Moreover, the Agencies solicit comment on whether individuals who engage in approving mortgage loan assumptions should be excluded from the proposed definition of ''mortgage loan originator'' and whether such approach is consistent with the S.A.F.E. Act's objectives.

In particular, commenters are encouraged to: (1) Describe the extent to which loan modification and assumption activities are staffed and managed separately from loan origination activities within the institution; (2) provide the number of employees who engage in loan modifications or assumptions and do not otherwise act as mortgage loan originators; (3) describe the types of contact that staff engaged only in modifications or assumptions has with customers and the extent to which such staff initiate contact with customers; (4) discuss whether loan modification staff ever process loan refinancings; and (5) discuss the extent of the information that is gathered from customers in the context of the loan modifications and assumptions. With respect to loan modifications, describe what staff would handle the transaction if the modification process becomes a refinancing of a loan or if a new borrower is added in addition to the original borrower (*i.e.,* adding a cosigner).

With respect to assumptions, describe: (1) Whether the loan transactions offered by your institution are typically assumable; (2) the types of assumptions that are permitted, if any; (3) the type of contact between the employee and the new borrower; and (4) differences, if any, between underwriting practices for a loan assumption transaction and a new loan origination. Comment is also specifically requested on whether the exclusion of personnel solely engaged in loan modifications and loan assumptions affects a consumer's ability to assess the competency and credentials of these personnel, keeping in mind the consumer protection and fraud prevention purposes of the S.A.F.E. Act.

To the extent it is within the scope of the S.A.F.E. Act, the Agencies also seek comment on whether individuals who engage in certain refinancing transactions should be excluded from the definition of mortgage loan originator (and, correspondingly whether certain types of refinancing transactions should be excluded from the definition of residential mortgage loan). Specifically, should an individual who engages in refinancings that do not involve a cash-out and are with the same lender be excluded from the definition of mortgage loan originator? With respect to these specific types of refinancing transactions, the Agencies request comment on: (1) Whether such transactions have similar results for borrowers as loan modifications; (2) whether employees engaged in such refinancing transactions also engage in other mortgage loan origination activities; (3) the types of contact that employees who engage in these types of refinancings have with customers; (4) the extent to which such staff initiate contact with customers; and (5) the extent of the information that is gathered from customers in the context of these types of refinancing transactions.

Furthermore, the Agencies seek comment on whether individuals who engage in loan modification and limited refinancing activities should be excluded from the definition of mortgage loan originator only if the transactions meet additional criteria. For example, should an individual who engages only in loan modification activities be excluded from the definition of mortgage loan originator only if the modification meets specific criteria such as a lower interest rate, reduced payment, elimination of an impending adjustment to the rate, or reduction in principal? Comment is requested on criteria that should be considered by the Agencies, if any.

Nationwide Mortgage Licensing System and Registry or *Registry.* The proposal's definition of these terms is based on the definition included in the S.A.F.E. Act. Specifically, these terms mean the system developed and maintained by the CSBS and the AARMR for the State licensing and registration of State-licensed mortgage loan originators and the registration of mortgage loan originators pursuant to section 1507 of the S.A.F.E. Act. The Registry currently supports the licensing and registration of State mortgage loan originators. As explained above, the Agencies are working with the CSBS to modify the Registry to support the registration of mortgage loan originators employed by Agency-regulated institutions.

Registered mortgage loan originator. Pursuant to section 1503(7) of the S.A.F.E. Act, the proposal defines this term to mean any individual who meets the definition of mortgage loan originator and is an employee of an Agency-regulated institution and is registered pursuant to the requirements of this rule with, and maintains a unique identifier through, the Registry. This definition is the same as that included in the S.A.F.E. Act, except that the Agencies have modified it to apply only to individuals registered pursuant to regulations issued by the Agencies.

Residential mortgage loan. As in the S.A.F.E. Act, the proposal defines ''residential mortgage loan'' as any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (TILA) [19] or residential real estate upon which is constructed or intended to be constructed a dwelling. In addition, the proposal specifically includes in this definition refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans secured by a dwelling in order to clarify that originators of these types of loans are covered by the rule's requirements.

The FCA emphasizes that section 1503(8) of the S.A.F.E. Act and __.102(f) do not amend or supersede sections 1.11(b) and 2.4(b) of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2019(b) and 2075(b), and their implementing regulation, 12 CFR 613.3030(c), which establish the purposes for which FCS institutions may originate residential mortgage loans for eligible rural home borrowers.

[19] TILA defines ''dwelling'' as a residential structure or mobile home which contains one-to-four family housing units, or individual units of condominiums or cooperatives. 15 U.S.C. 1602(v). Board regulations and commentary include in this definition any residential structure that contains one to four units, whether or not that structure is attached to real property, and includes an individual condominium unit, cooperative unit, mobile home, trailer, and boat if they are in fact used as a residence. *See* 12 CFR 226.2(a)(19) (Regulation Z).

Unique Identifier. The proposal's definition of this term is identical to that included in section 1503(12) of the S.A.F.E. Act. Specifically, the proposal defines ''unique identifier'' to mean a number or other identifier that: (1) Permanently identifies a registered mortgage loan originator; (2) is assigned by protocols established by the Registry and the Agencies to facilitate electronic tracking of mortgage loan originators, and uniform identification of, and public access to, the employment history of, and the publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators; and (3) must not be used for purposes other than those set forth in the S.A.F.E. Act.

In section __.103(d), the proposal uses the terms ''control'' and ''financial services-related'' in the descriptions of the information that is required of an employee who is a mortgage loan originator. These terms are currently defined in the web-based form collecting information on State-licensed mortgage loan originators. In order to promote consistency of the information collected for Agency-regulated and State-licensed mortgage loan originators, the Agencies intend that the Registry's definitions of those terms will also be used in the web-based form collecting information on Agency-regulated mortgage loan originators and, therefore have not defined them in this rulemaking.[20]

Section __.103—Registration of Mortgage Loan Originators

The S.A.F.E. Act specifically prohibits an individual who is an employee of an Agency-regulated institution from engaging in the business of a loan originator without registering as a loan originator with the Registry, maintaining annually such registration, and obtaining a unique identifier through the Registry.[21] As described more specifically below, under § __.103 of the proposal, both the individual employee and the employing institution are responsible for complying with these requirements. In addition, the proposal requires that both the employee and the employing institution must submit information to the Registry for each registration to be complete.

Employee registration requirement. In general, proposed § __.103(a)(1) requires employees of Agency-regulated institutions who act as a mortgage loan originator to register with the Registry, maintain their registration, and obtain a unique identifier. The Agencies note that this requirement would not apply if the employee is subject to a *de minimis* exception. This section further provides that any employee who is not in compliance with the registration and unique identifier requirements set forth in this subpart, by the expiration of the implementation periods specified in § __.103(a)(3) and (a)(4)(ii), as applicable, is in violation of the S.A.F.E. Act and this rule. The OCC, Board, FDIC, and OTS have the authority to take enforcement actions against their respective Agency-regulated institutions and individual employees of those institutions who violate the S.A.F.E. Act and the final rule, pursuant to 12 U.S.C. 1818. The FCA has authority to take enforcement actions against Farm Credit System institutions and individual employees who violate the S.A.F.E. Act and the final rule pursuant to title V, Part C of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2261 *et seq.* The NCUA has the authority to take enforcement actions against federally-insured credit unions and their employees who violate the S.A.F.E. Act and the final rule under 12 U.S.C. 1786.

Institution requirement. Unless the *de minimis* exception applies, paragraph (a)(2) of § __.103 provides that an Agency-regulated institution must require its employees who are mortgage loan originators to register with the Registry, maintain this registration, and obtain a unique identifier in compliance with this subpart. This provision also prohibits an Agency-regulated institution from permitting its employees to act as mortgage loan originators unless registered with the Registry pursuant to this subpart, after the implementation periods specified in §§ __.103(a)(3) and (a)(4)(ii), as applicable, expire.

Implementation period for initial registrations. The proposal provides a grace period for initial registrations. Pursuant to paragraph (a)(3) of this section, an employee is not required to register, and therefore can continue to originate residential mortgage loans without complying with the rule's registration requirement, for 180 days from the date the Agencies provide public notice that the Registry is accepting initial registrations. After this 180-day period expires, any existing employee or newly hired employee of an Agency-regulated institution who is subject to the registration requirements is prohibited from originating residential mortgage loans without first meeting the registration requirements. The Registry, in consultation with the Agencies, is considering a staggered registration process for some of the larger Agency-regulated institutions in order to spread out the registration of mortgage loan originators throughout this implementation period. This could reduce the number of originators registering at any one time, thereby enabling the Registry to accommodate all registrations in a timely and efficient manner.

The Agencies seek comment on whether the 180-day implementation period will provide Agency-regulated institutions and their employees with adequate time to complete the initial registration process. The Agencies also inquire as to whether an alternative schedule for implementation and initial registrations would be appropriate, what such an alternative schedule should be, and why it is more appropriate than the implementation period proposed by the Agencies. In addition, the Agencies request comment on whether, and how, a staggered registration process should be developed.

The Agencies recognize that Agency-regulated institutions and mortgage loan originators need certainty as to when the Registry is available to start accepting registrations and the date that the 180-day clock starts to run. Therefore, the Agencies will provide a coordinated and simultaneous advance notice to Agency-regulated institutions of when the Registry will begin accepting Federal registrations through appropriate means, such as a **Federal Register** publication, Web-site notice, or agency bulletin.

Special rule for previously registered employees. Under paragraph (a)(4) of § __.103, properly registered or licensed mortgage loan originators will not have to re-register when they change employment by moving from one Agency-regulated institution to another or from a State-regulated institution to

[20] The Registry currently defines ''control'' as the power, directly or indirectly, to direct the management or policies of a company or business, whether through ownership of securities, by contract, or otherwise. Any person who is a general partner or executive officer, including Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, Director and individuals with similar status or functions; directly or indirectly has the right to vote 10 percent or more of a class of a voting security or has the power to sell or direct the sale of 10 percent or more of a class of voting securities; or, in the case of a partnership, has the right to receive upon dissolution, or has contributed, 10 percent or more of the capital, is presumed to control that company. The Agencies have requested that this definition be revised to include ''Chief Credit Officer.'' The Registry's current definition of ''Financial services-related'' means pertaining to securities, commodities, banking, insurance, consumer lending, or real estate (including, but not limited to, acting or being associated with a bank or savings association, credit union, mortgage lender, mortgage broker, real estate salesperson or agent, closing agent, title company, or escrow agent). The Agencies have requested that this definition be revised to include ''Farm Credit System institution'' and ''appraiser.''

[21] *See* S.A.F.E. Act at section 1504(a).

an Agency-regulated institution, regardless of whether the change in employment is made voluntarily, through an acquisition or merger of the employee's prior employer, or through a reorganization where previously State-licensed mortgage loan originators become subject to the registration requirements of Agency-regulated institutions. Specifically, this provision provides that if a new employee of an Agency-regulated institution had previously registered with, and obtained a unique identifier from, the Registry prior to becoming an employee of that institution and has maintained that registration (or license, if previously employed by a State-regulated entity), the registration requirements of this subpart are deemed to be met provided that: (1) The employee's employment information in the Registry is updated; (2) new fingerprints of the employee are provided to the Registry for a new background check, except in the case of mergers, acquisitions or reorganizations; (3) information concerning the new employing institution is provided to the Registry pursuant to § __.103(e)(1)(i), to the extent the institution has not previously met these requirements, and (e)(2)(i); [22] and (4) the registration is maintained pursuant to the requirements of paragraph (b) of this section as of the date that the employee is employed by the institution.

In order to reduce regulatory burden and to prevent an interruption in mortgage origination activity, this provision provides a 60-day grace period to comply with these requirements when a registered mortgage loan originator becomes an employee of an Agency-regulated institution as a result of an acquisition, merger, or reorganization. The Agencies seek comment on whether this grace period is appropriate.

Continuing a mortgage loan originator's registration from one employer to another will reduce regulatory burden on Agency-regulated institutions as well as the residential mortgage industry. In addition, because an employee's unique identifier and background information in the Registry will remain the same, consumers will be able to locate a mortgage loan originator who has changed employers. The Agencies note that the registration of a mortgage loan originator who leaves any employer will be inactive until he or she is hired by a new institution, his or her record is updated in accordance with the final rule's requirements, and the new employer acknowledges employing the mortgage loan originator through the Registry. The individual will be prohibited from acting as a mortgage loan originator at an Agency-regulated institution until such time as the registration is reactivated, unless covered by the 60-day grace period.

Maintaining Registration. Under § __.103(b), a registered mortgage loan originator must renew his or her registration with the Registry during the annual renewal period (November 1–December 31). To renew, the employee must confirm that the information previously submitted to the Registry remains accurate and complete, updating any information as needed. Any registration that is not renewed during this period will become inactive and the individual will be prohibited from acting as a mortgage loan originator at an Agency-regulated institution until such time as the registration requirements are met. All employee data that has been provided to the Registry about the employee will remain in the Registry even when the employee is in inactive status. Inactive mortgage loan originators will not be assigned a new unique identifier if they reregister.

In addition to the annual renewal, a registration must be updated within 30 days of the occurrence of any of the following events: (1) A change in the employee's name, (2) the registrant ceases to be an employee of the institution; or (3) any of the employee's responses to the information required for registration pursuant to paragraphs (d)(1)(iii) through (xi) become inaccurate. These annual renewal and updating requirements are similar to what is required currently for State-licensed mortgage loan originators.

This paragraph also provides that any employee who registers with the Registry must maintain his or her registration unless the employee is no longer a mortgage loan originator. As a result of this provision, once an employee registers as a loan originator with the Registry, the employee will be required to continue this registration until he or she is no longer engaged in the activity of a mortgage loan originator, even if, in any particular year, the employee originates fewer mortgage loans than the number specified in the *de minimis* exception provision. The purpose of this requirement is to avoid the creation of a timing loophole that could allow mortgage loan originators to avoid registration requirements.

The Agencies specifically request comment on whether the proposed initial registration requirements as well as the requirements for maintaining registration are adequate and feasible for Agency-regulated institutions and their employees who are mortgage loan originators, yet serve the consumer protection purposes enumerated in the S.A.F.E. Act.

Effective date of registrations and renewals. Paragraph (c) of this section provides that an initial registration is effective on the date that the registrant receives notification from the Registry that all employee and institution information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

A renewal or update pursuant to paragraph (b) is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) of this section has been submitted and the renewal or update is complete.

Except as provided by the 180-day implementation period in § __.103(a)(3) or the 60-day grace period provided in § __.103(a)(4), an employee must not engage in mortgage origination if his or her registration is not yet effective or has not been renewed pursuant to this rule.

Required employee information. Paragraph (d) of § __.103 lists the categories of information that mortgage loan originators, or the employing Agency-regulated institution on behalf of the mortgage loan originator, will be required to submit to the Registry. The Registry's registration form will more specifically identify the information required.

Specifically, the proposal requires the employee to submit information regarding his or her identity (name and former names, Social Security number, gender, date of birth, and place of birth) and home and business contact information; date the employee became an employee of the Agency-regulated institution; financial services-related employment and financial history for the past 10 years; criminal history involving felonies and certain misdemeanors; history of financial services-related civil actions, arbitrations and regulatory and disciplinary actions or orders; financial services-related professional license revocations or suspensions; voluntary or involuntary employment terminations based on violations of law or industry standards of conduct; and certain actions listed above that are pending

[22] These provisions require: The institution's name, main office address, IRS Employer Tax Identification Number, Research Statistics Supervision Discount (RSSD) number; primary Federal regulator, contact information for individuals at the institution for Registry purposes; and confirmation that it employs the registrant. Information regarding an institution's RSSD number is available from the Board.

against the employee. As explained below, the Agency-regulated institution must have policies and procedures in place for confirming the adequacy and accuracy of employee registrations.

The employee also must provide fingerprints, in digital form if practicable, and any appropriate identifying information to the Registry for submission to the FBI and any other Federal or State governmental agency or entity authorized to do a criminal history background check.[23] The Agencies expect that the Registry will submit fingerprints to the FBI for a criminal history background check in connection with the registration of each mortgage loan originator of an Agency-regulated institution. The Agencies, however, are not requiring employees to obtain new fingerprints for submission to the Registry if the employing Agency-regulated institution has the employee's fingerprints on file, provided that the fingerprints submitted to the Registry were taken less than three years prior to the employee's registration with the Registry. If the Agency-regulated institution has such fingerprints on file, the Registry plans to use these fingerprints to run the required criminal history background check on the mortgage loan originator.

It is the Agencies' understanding that the Registry plans to support digital fingerprinting by October 2009 and likely before the initiation of the proposed rule's implementation period. As digital fingerprints are preferable to paper fingerprints, the proposed rule provides that registrants should submit digital fingerprints to the Registry, if practicable. If digital fingerprints are not available, the Registry will accept fingerprint cards, and will convert these cards to a digital format. The Agencies encourage the use of digital fingerprints and note that the proposal's permission to submit fingerprints in paper form is intended to enable smaller institutions without the capability or feasibility to obtain digital fingerprints to comply with this requirement.

The Agencies specifically seek comment on whether the three-year age limit for existing fingerprints is appropriate and whether Agency-regulated institutions currently have fingerprints of their employees on file, and if so, whether they are in digital or paper form.

Employee authorization and attestation. Paragraph (d)(2) of § __.103 requires the employee, not the employing Agency-regulated institution, to attest to the correctness of all such information submitted to the Registry pursuant to paragraph (d)(1), and to provide authorization for the Registry and the employing Agency-regulated institution to obtain information related to any administrative, civil or criminal findings to which the employee is a party.

In order to provide relevant information to consumers and to implement the purposes of the S.A.F.E. Act, paragraph (d)(2) requires the employee, not the employing Agency-regulated institution, to authorize the Registry to make available to the public the following information submitted to the Registry: His or her name; other names used; name of current employer(s); current principal business location(s) and business contact information; 10 years of relevant employment history; and publicly adjudicated or pending disciplinary and enforcement actions and arbitrations against the employee. The Agencies envision that this information will be made public in two phases. The first phase, implemented at the time the Registry begins accepting Federal registrations, would provide for public accessibility of the employee's name; other names used; name of current employer(s); current principal business location(s) and business contact information; and employment history. The remaining categories of information (publicly adjudicated or pending disciplinary and enforcement actions and arbitrations against the employee) would be made public at a later date, once the Registry, in consultation with the Agencies, has designed and implemented a system through which the registrant may provide additional explanatory information to accompany a positive response to any of the disclosure questions regarding criminal history or the other information requested in paragraphs (d)(1)(iii) through (xi). The Agencies note that once the Registry makes this enhancement, registered mortgage loan originators can provide this explanatory language at any time or during the annual renewal process, and that this explanatory language may be made public. Additionally, relevant nonpublic information submitted to the Registry will be accessible to the Agencies and State mortgage regulators, as appropriate.

The institution may provide the employee information required under § __.103(d)(1) to the Registry or require the employee to provide the information to the Registry. Regardless of the manner that the information is provided, the requirements of the rule remain the same: The employee must attest to the correctness of the information required by § __.103(d) and the institution must implement policies and procedures to confirm the adequacy and accuracy of employee registrations, including updates and renewals.

The Agencies have limited the required information to what is necessary to meet the objectives of the S.A.F.E. Act for the registration of residential mortgage loan originators employed by Agency-regulated institutions and to what is required by the Registry's current data collection form for State mortgage loan originators, Form MU4. The Agencies believe that both the State-licensing and Agency-registration requirements should collect similar information from mortgage loan originators in order to effectively track loan originators, reduce regulatory burden on mortgage loan originators who move between institutions with differing charters and regulators, and permit consumers to review similar information on mortgage loan originators regardless of the originator's regulator. The Agencies and CSBS have worked together to identify what information should be required for registration and will continue to do so going forward.

The Agencies seek comment on the employee data that is proposed to be collected, the employee data that is proposed to be made public, and whether any other additional data should be collected or made public.

Required Agency-regulated institution information. Paragraph (e)(1) of § ____.103 requires the employing Agency-regulated institution to submit certain information to the Registry as a base record in connection with the initial registration of one or more mortgage loan originators. Specifically, the Agency-regulated institution must provide its name, main office address, primary Federal regulator, Employer Identification Number (EIN) issued by the Internal Revenue Service, primary point of contact information, and contact information for ''system administrators.'' If the Agency-regulated institution is a subsidiary, it also must indicate that it is a subsidiary and provide the name of its parent institution, as explained further below.

System administrators will have the authority to enter data required in paragraph (e) of this section on the Registry and will be responsible for keeping institution information and the list of employees registered with the Registry current, provided these individuals do not act as mortgage loan originators. The system administrators

[23] Further information on the Registry's fingerprint and background check procedures may be found on the Registry's Web site at *http://www.stateregulatoryregistry.org/NMLS/*.

may delegate their authority and assign as many additional system users as necessary to comply with the registration requirements of the S.A.F.E. Act and the final rule, provided the delegated administrators meet this paragraph's requirements. The primary point of contact also can be one of the system administrators.

In addition, paragraph (e)(1) requires an Agency-regulated institution to provide its Research Statistics Supervision Discount (RSSD) number. The RSSD database is maintained by the Board. The Agencies expect to provide the Registry with an extract of the Board's database, indexed by RSSD number, to facilitate an Agency-regulated institution's authorized access to the Registry and its establishment of a new base record. Upon receiving the information for a new base record from an Agency-regulated institution, the Registry will confirm the information by comparing the application with data supplied by the Agencies. The Agencies will establish a mechanism by which Agency-regulated institutions that do not have an RSSD number will be added to the RSSD database. However, an operating subsidiary of an Agency-regulated institution will not be required to obtain an RSSD number. Instead, if an operating subsidiary does not have an RSSD number, the operating subsidiary will provide its parent institution's RSSD number and indicate that it is an operating subsidiary of the parent. The Agencies seek comment on the proposal to require Agency-regulated institutions to submit their RSSD number, and operating subsidiaries, if necessary, to submit their parent institution's RSSD number, to facilitate an Agency-regulated institution's authorized access to the Registry and its establishment of a base record, and as identifying data for validating the base record.

Paragraph (e)(1)(ii) of this section requires the Agency-regulated institution to update any information it has submitted within 30 days of the date that the information becomes inaccurate.

Paragraph (e)(2) of this section requires an Agency-regulated institution to provide information to the Registry for each employee who acts as a mortgage loan originator. The Agency-regulated institution must: (1) After all the information required by paragraph (d) of this section has been submitted to the Registry, confirm that it employs the registrant; and (2) within 30 days of the date the registrant ceases to be an employee of the institution, provide notification that it no longer employs the registrant and the date the registrant ceased being an employee. This information will link the registering mortgage loan originator to the Agency-regulated institution in order to confirm that the registration of the employee is valid and legitimate. The Agencies note that the Registry's system protocols will not permit the Agency-regulated institution to confirm that it employs the registrant unless all of the employee's information required by paragraph (d) of this section has been submitted to the Registry.

The Agencies anticipate that some Agency-regulated institutions may select one or more individuals to submit the required employee information on behalf of each of their mortgage loan originators to facilitate this registration process. The Agencies also recognize the initial volume of new registrants could be burdensome on both the registrants and on the staff charged with completing the registrations. To mitigate this burden, the Agencies are considering whether to modify the Registry to permit a ''batch'' process for Agency-regulated institutions to submit, in bulk, some or all of the required employee and institution data. However, such a process would not eliminate completely an individual employee's role in the registration process or the employee's responsibility to attest to the accuracy of the data submitted on the employee's behalf. Typical automated human resources systems likely will not contain all of the employee information required to be submitted to the Registry Under §____.103(d) of this proposed rule. As a result, the institution would need to gather the missing information from each potential registrant and then format it for the batch processing, which may create some registration burden on administrative staff and lead to possible delays, errors, or omissions. Alternatively, if the Agencies specify a limited set of standard data elements that are likely to be contained in an institution's automated human resources system, such as name and employment date, for the batch file, individual employees would still be required to access the Registry to provide any missing information and complete the registration process. In either case, employees would still be responsible for accessing their record in the Registry to attest to the accuracy of the information submitted on their behalf by the employing institution and authorize background checks and public access to certain employee information.

The Agencies seek comment on batch processing and welcome suggestions for workable alternative approaches that could mitigate the initial registration burden on Agency-regulated institutions and their employees. Comment is also sought on the appropriateness of having one employee input registration information into the Registry on another employee's behalf.

Section ____.104 Policies and Procedures

Proposed §____.104 requires Agency-regulated institutions that employ mortgage loan originators to adopt and follow written policies and procedures designed to assure compliance with the requirements of the final rule. This requirement applies to all Agency-regulated institutions that employ individuals who act as mortgage loan originators, regardless of the application of any *de minimis* exception to their employees. This section requires that these policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the Agency-regulated institution and must at a minimum include the following eight provisions.

First, these policies and procedures must establish a process for identifying which employees of the institution are required to be registered mortgage loan originators.

Second, the policies and procedures must require that all employees of the institution who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this rule and be instructed on how to comply with these requirements and procedures, including registering as a mortgage loan originator prior to engaging in any mortgage loan origination activity.

Third, the policies and procedures must establish procedures to comply with the unique identifier requirements in §____.105.

Fourth, these policies and procedures must establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparison with the institution's records. The Agencies do not expect Agency-regulated institutions, however, to obtain private database searches on their pre-existing employees to confirm employee information. Instead, institutions should compare the information supplied by the employee for purposes of registering with the Registry with the information contained in the institution's own records.

Fifth, these policies and procedures must establish reasonable procedures and tracking systems for monitoring compliance with registration requirements and procedures. Agency-

regulated institutions will be expected to be able to demonstrate compliance with the requirements of the S.A.F.E. Act and the final rule, such as by maintaining appropriate records.

Sixth, the policies and procedures must provide for periodic independent testing of the Agency-regulated institution's policies and procedures for compliance with the S.A.F.E. Act and the final rule, including the registration and renewal requirements, and for such testing to be conducted by institution personnel or by an outside party.

Seventh, the policies and procedures must provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this rule, or the related policies and procedures of the institution, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions.

Eighth, the policies and procedures must establish a process for reviewing the criminal background history reports on employees received from the FBI through the Registry and taking appropriate action consistent with applicable law and rules with respect to these reports. Moreover, an Agency-regulated institution must maintain such records or reports and document any action taken with respect to applicable employees. Institutions should maintain these records consistent with applicable recordkeeping requirements, if any.

The Agencies specifically request comment on the difficulty of establishing suitable policies and procedures including the amount of time and resources needed for their adoption and implementation. The Agencies note that these policies and procedures should be in place at an institution prior to the registration of its employees pursuant to this rule.

Section ____.105 Use of Unique Identifier

Section ____.105(a) of the proposal requires an Agency-regulated institution to make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution. The Agencies note that an Agency-regulated institution may comply with this requirement in a number of ways. For example, the institution may choose to direct consumers to a listing of registered mortgage loan originators and their unique identifiers on its Web site; post this information prominently in a publicly accessible place, such as a branch office lobby or lending office reception area; or establish a process to ensure that institution personnel provide the unique identifier of a registered mortgage loan originator to consumers who request it from employees other than the mortgage loan originator.[24]

Section ____.105(b) requires a registered mortgage loan originator to provide the originator's unique identifier to a consumer upon request, before acting as a mortgage loan originator, and through the originator's initial written communication with a consumer, if any. The Agencies intend § ____.105(b)(3) of the rule to cover written communication from the originator specifically for his or her customers and not written materials distributed by the Agency-regulated institution for general use by its customers.

Although a mortgage loan originator may change his or her name, change employment, or move, the unique identifier assigned to the originator by the Registry at the originator's initial registration will remain the same. Once public access to the Registry is fully functional, the unique identifier will enable consumer access to an individual mortgage loan originator's profile stored in the Registry, including the mortgage loan originator's registration information, any State licenses held (active or inactive), employment history and other information of interest to the consumer. If a mortgage loan originator is simultaneously employed by more than one State or Agency-regulated institution, that information also will be readily visible to the consumer. Therefore, as this unique identifier will enable a consumer to obtain important information concerning a mortgage loan originator from the Registry, a mortgage loan originator and the employing institution must ensure that the consumer has access to it.

The Agencies seek comment regarding the adequacy and appropriateness of these unique identifier requirements with respect to the consumer protection and anti-fraud purposes of the S.A.F.E. Act. The Agencies also seek comment on whether the proposed rule adequately ensures that consumers will be made aware that they have the opportunity to access information about the employment history of, and publicly adjudicated disciplinary and enforcement actions against, a prospective, current, or former mortgage loan originator. Furthermore, the Agencies seek comment on the specific difficulties that an institution or its employees may have in complying with these requirements and whether there may be circumstances when a registered mortgage loan originator would not be able to provide the unique identifier to a consumer before acting as a mortgage loan originator.

Appendix—Examples of Mortgage Loan Originators

As an aid in the understanding, and to provide examples of the definition of mortgage loan originator, the proposed rule includes an Appendix that provides examples of the type of activities that would cause an employee to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive; they illustrate only the issue described and do not illustrate any other issues that may arise in this proposal. The Agencies request comment on whether the examples are helpful, and if other examples should be added to this Appendix or provided to the public by other means.

The Agencies also request comment on whether there are mortgage loans for which there may be no mortgage loan originator. Are there situations where a consumer applies for and is offered a loan through an automated process (such as a prescreened offer extended to a consumer as part of a mass mailing or an automated loan approval in response to an online application) without contact with a mortgage loan originator? To the extent there are such situations, please describe the contact and communication that a consumer would have with the institution and its employees. The Agencies also seek comment on: (1) The activities conducted by employees with respect to mortgage loan pre-approval; and (2) the typical duties of fulfillment staff that do not involve mortgage loan origination activities.

IV. Request for Comments

The Agencies encourage comment on any aspect of this proposal and especially on those issues specifically noted in this preamble.

Agency-regulated institutions are encouraged to identify how many of their employees would qualify as residential mortgage loan originators under this definition, and therefore, would be required to register under this proposed rule. Please provide specific information on the number of employees engaged in mortgage loan origination, with both actual count and as a percentage of total employees, and

[24] The Agencies note that the Federal Housing Finance Agency (FHFA) has directed Fannie Mae and Freddie Mac to require all mortgage loan applications taken on and after January 1, 2010 to include the mortgage loan originator's unique identifier. *See* FNMA LL 02–2009: New Mortgage Loan Data Requirements (02/13/09).

the number of full-time equivalents (FTEs) engaged in this activity as reported on an institution's Consolidated Reports of Condition and Income (Call reports) or Thrift Financial Reports, as applicable. It would also be very helpful for Agency-regulated institutions to identify the internal departments to which these employees are assigned, and whether they are engaged in activities other than residential mortgage loan origination. Specifically, please discuss the estimated numbers of employees who act as mortgage loan originators who work in the mortgage loan function and those that work in divisions outside of the mortgage loan origination function. Please also describe any activities related to mortgage loan origination in which the staff outside the mortgage loan function engages. Please describe whether fulfillment staff or other employees who are not loan officers act as mortgage loan originators, and the estimated numbers of such employees that the institution would need to register under the proposed rule. This information will enable the Agencies to estimate the number of employees who will seek registration for purposes of evaluating system administration needs and determining if the proposed 180-day implementation period is adequate to allow for initial registration. This information will also assist the Agencies in preparing final analyses of the impact of these registrations under the Regulatory Flexibility Act, Paperwork Reduction Act, Executive Order 12866, and the Unfunded Mandates Reform Act of 1995, as applicable.

Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, sec. 722, 113 Stat. 1338, 1471 (Nov. 12, 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Agencies invite your comments on how to make this proposal easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the proposed regulation clearly stated? If not, how could the regulation be more clearly stated?
- Does the proposed regulation contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand?
- What else could we do to make the regulation easier to understand?

Regulatory Analysis

A. Regulatory Flexibility Act

OCC: Pursuant to § 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b) (RFA), the regulatory flexibility analysis otherwise required under § 604 of the RFA is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a short, explanatory statement in the **Federal Register** along with its rule.

We have estimated that this proposal will not have a significant economic impact on a substantial number of small entities. Specifically, we estimate that 653 small national banks are likely to be impacted by the NPRM, with an average total compliance cost per bank estimated at $18,800. We base this analysis using the impact of the proposed rule on compliance costs as a percent of labor costs, as well as compliance costs as a percent of noninterest expenses. Therefore, pursuant to § 605(b) of the RFA, the OCC hereby certifies that this proposal will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not needed.

Board: Pursuant to § 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b) (RFA), the regulatory flexibility analysis otherwise required under § 603 of the RFA is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a short, explanatory statement in the **Federal Register** along with its rule.

The proposed rule applies to all banks that are members of the Federal Reserve System (other than national banks) and certain of their respective subsidiaries, branches and Agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), and commercial lending companies owned or controlled by foreign banks. Under regulations issued by the Small Business Administration,[25] a small entity includes banking organizations with assets of $175 million or less (a small banking organization). As of December 31, 2008, there were approximately 501 of the institutions listed above that are small banking organizations. The Board believes that there is no significant economic impact. Compliance costs are estimated to be less than 4% of profits for state member banks. For the other small banking organizations, the Board believes these entities would fall below the *de miminis* exceptions in Section ____.101(c)(2) of the proposed rule since originating residential mortgages is not part of their primary business. The agencies proposed the *de minimis* exception in an effort to reduce compliance costs on small businesses. Therefore, pursuant to § 605(b) of the RFA, the Board hereby certifies that this proposal will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not needed.

FDIC: In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612 (RFA), an agency must publish an initial regulatory flexibility analysis with its proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA to include banks with less than $175 million in assets). The FDIC hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Approximately 3,274 FDIC-supervised banks are small entities. However, the proposed rule would not apply to approximately 2,430 of those small entities because they originate 25 or fewer residential mortgage loans annually and therefore would qualify for the de minimis exception. Only approximately 844 small entities supervised by the FDIC—about 26% of FDIC-supervised small entities—would be subject to the requirements of the proposed rule. For those 844 small entities, the estimated initial costs for complying with the proposed rule would represent, on average, approximately 0.7% of total non-interest expenses, and the annual compliance costs would represent, on average, approximately 0.3% of total non-interest expenses.

OTS: Pursuant to § 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b) (RFA), the regulatory flexibility analysis otherwise required under § 604 of the RFA is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a short, explanatory statement in the **Federal Register** along with its rule.

[25] *See* 13 CFR 121.201.

We have estimated that this proposal will not have a significant economic impact on a substantial number of small entities. Specifically, we estimate that 385 small savings associations are likely to be impacted by the NPRM, with an average total compliance cost per savings association estimated at $13,311. Therefore, pursuant to § 605(b) of the RFA, the OTS hereby certifies that this proposal will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not needed.

FCA: Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* FCA hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

NCUA: In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612 (RFA), an agency must publish an initial regulatory flexibility analysis with its proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA to include federally insured credit unions with less than $10 million in assets). NCUA hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Approximately 3,231 federally insured credit unions are small entities. However, the proposed rule would not apply to approximately 3,190 of those small entities because they originate 25 or fewer residential mortgage loans annually and therefore would qualify for the de minimis exception. Only approximately 41 small federally insured credit unions, about 1.3% of small entities, would be subject to the requirements of the proposed rule.

B. Paperwork Reduction Act

Request for Comment on Proposed Information Collection

In accordance with section 3512 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521 (''PRA''), the Federal banking agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (''OMB'') control number. The information collection requirements contained in this joint notice of proposed rulemaking have been submitted by the OCC, FDIC, OTS, and NCUA to OMB for review and approval under section 3506 of the PRA and § 1320.11 of OMB's implementing regulations (5 CFR part 1320). The FCA collects information from Farm Credit System institutions, which are Federal instrumentalities, in the FCA's capacity as their safety and soundness regulator, and, therefore, OMB approval is not required for this collection. The Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget. The proposed rule contains requirements subject to the PRA. The requirements are found in 12 CFR ____.103(a)–(b), (d)–(e), ____.104, and ____.105.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the Federal banking agencies' functions, including whether the information has practical utility;

(b) The accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

NCUA: Request for comments related to the number of respondents who are mortgage loan originators—Some federally insured credit unions use a credit committee comprised of unpaid volunteers to make lending decisions, including decisions on mortgage loans to members. NCUA requests comments on whether these credit committee members who work for a credit union in an unpaid capacity and approve mortgage loans must register. In addition, NCUA requests comments on whether only some of these credit committee members must register, and if so, which ones and why.

All comments will become a matter of public record. Comments should be addressed to:

OCC: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–AD23, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, identified by Docket No. R–1357, by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov.* Follow the instructions for submitting comments on the *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: regs.comments@federalreserve.gov.* Include docket number in the subject line of the message.
- *FAX:* 202–452–3819 or 202–452–3102.
- *Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

FDIC: You may submit written comments, identified by the RIN, by any of the following methods:

- *Agency Web Site: http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: Comments@FDIC.gov.* Include RIN 3064–AD43 on the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, FDIC, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street

Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All comments received will be posted generally without change to *http://www.fdic.gov/regulations/laws/federal/propose/html* including any personal information provided.

OTS: Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet site at *http://www.ots.treas.gov.* In addition, interested persons may inspect the comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

NCUA: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web Site: http://www.ncua.gov/RegulationsOpinionsLaws/proposedregs/proposedregs.html.* Follow the instructions for submitting comments.
- *E-mail:* Address to *regcomments@ncua.gov*. Include ''[Your name] Comments on Notice of Proposed Rulemaking Part 761 Registration of Mortgage Loan Originators'' in the e-mail subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for e-mail.
- *Mail:* Address to Jeryl Fish, Deputy Chief Information Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.
- *Hand Delivery/Courier:* Same as mail address. Additionally, you should send a copy of your comments to the OMB Desk Officer for the Federal banking agencies, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., 10235, Washington, DC 20503, or by fax to (202) 395–6974.

Proposed Information Collection

Title of Information Collection: Registration of Mortgage Loan Originators.

Frequency of Response: On occasion; Annual.

Affected Public:

OCC: National banks, Federal branches and agencies of foreign banks, their operating subsidiaries, and employees who are loan originators.

Board: Member banks of the Federal Reserve System (other than national banks), their respective subsidiaries that are not functionally regulated within the meaning of section 5(c)(5) of the Bank Holding Company Act; and branches and agencies of foreign banks (other than Federal branches, Federal agencies and insured State branches of foreign banks) and commercial lending companies owned or controlled by foreign banks and their employees who act as mortgage loan originators.

FDIC: State nonmember banks (including State-licensed insured branches of foreign banks) and their subsidiaries (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) and their employees who are mortgage loan originators.

OTS: Savings associations and their operating subsidiaries, and their employees who are mortgage loan originators.

NCUA: Federally chartered credit unions and their employees who are mortgage loan originators.

Abstract:

Unless the de minimis exception or a different implementation period applies, §__.103(a) would require an employee of a depository institution who engages in the business of a mortgage loan originator (MLO) to register with the Registry, maintain such registration, and obtain an unique identifier. Under §__.103(b), a depository institution would require each such registration to be renewed annually and updated within 30 days of the occurrence of specified events. Section __.103(d) describes the categories of information that an employee, or the employing depository institution on the employee's behalf, must submit to the Registry, with the employee's attestation as to the correctness of the information supplied, and his/her authorization to obtain further information. Section __.103(e) specifies institution and employee information that a depository institution would submit to the Registry in connection with the initial registration of one or more MLOs, and thereafter to update. Section __.104 would require that an agency-regulated institution employing MLOs adopt and follow written policies and procedures, at a minimum addressing certain specified areas, but otherwise appropriate to the nature, size and complexity of their mortgage lending activities. Section __.105 would require a depository institution to make the unique identifier(s) of its registered MLO(s) available to consumers in a manner and method practicable to the institution. It would also require a registered MLO to provide his or her unique identifier to a consumer upon request, before acting as a MLO, and through the originator's initial written communication with a consumer, if any.

Estimated Burden:

OCC

Number of Bank Respondents: 1,771 (1,464 national banks; 307 operating subsidiaries).

Burden per Bank for Initial Set up: 351 hours (220 hours to implement policies and procedures and establish tracking and compliance systems; 131 hours to establish reporting, filing, and information dissemination systems).

Total Bank Burden for Initial Set up: 621,621.

Number of MLO Employees for Initial Set up: 117,772.

Burden per MLO Employee for Initial Set up: 3.50 hours (2.50 hours to provide information to Registry, and 1 hour to provide Unique Identifier to a consumer, upon request and at initial contact).

Total Burden for MLO Employees for Initial Set up: 412,202 hours.

Number of MLO Employees for Registration Update: 58,886.

Burden per MLO Employee for Registration Update: 0.25 hours.

Total Burden for MLO Employees for Registration Update: 14,721.5 hours.

Total OCC Annual Burden: 1,048,544.5 hours.

Board

Number of Bank Respondents: 2,382.

Burden per Bank for Initial Set up: 351 hours (220 hours to implement policies and procedures and establish tracking and compliance systems; 131 hours to establish reporting, filing, and information dissemination systems).

Total Bank Burden for Initial Set up: 836,082 hours.

Number of MLO Employees for Initial Set up: 27,000.

Burden per MLO Employee for Initial Set up: 3.50 hours (2.50 hours to provide information to Registry, and 1 hour to provide Unique Identifier to a consumer).

Total Burden for MLO Employees for Initial Set up: 94,500 hours.

Number of MLO Employees for Registration Update: 13,500.

Burden per MLO Employee for Registration Update: 0.25 hours.

Total Burden for MLO Employees for Registration Update: 3,375 hours.

Total Board Annual Burden: 933,957 hours.

FDIC

Number of Bank Respondents: 5,371.

Burden per Bank for Initial Set up: 351 hours (220 hours to implement policies and procedures and establish tracking and compliance systems; 131 hours to establish reporting, filing, and information dissemination systems).

Total Bank Burden for Initial Set up: 1,885,221 hours.

Number of MLO Employees for Initial Set up: 49,719.

Burden per MLO Employee for Initial Set up: 3.50 hours (2.50 hours to provide information to Registry, and 1 hour to provide Unique Identifier to a consumer, upon request and at initial contact).

Total Burden for MLO Employees for Initial Set up: 174,016.5 hours.

Number of MLO Employees for Registration Update: 24,860.

Burden per MLO Employee for Registration Update: 0.25 hours.

Total Burden for MLO Employees for Registration Update: 6,215 hours.

Total FDIC Annual Burden: 2,065,452.5 hours.

OTS

Number of Savings Association Respondents: 1,022 (802 savings associations; 220 operating subsidiaries).

Burden per Savings Association for Initial Set up: 351 hours (220 hours to implement policies and procedures and establish tracking and compliance systems; 131 hours to establish reporting, filing, and information dissemination systems).

Total Savings Association Burden for Initial Set up: 358,722.

Number of MLO Employees for Initial Set up: 48,958.

Burden per MLO Employee for Initial Set up: 3.50 hours (2.50 hours to provide information to Registry, and 1 hour to provide Unique Identifier to a consumer, upon request and at initial contact).

Total Burden for MLO Employees for Initial Set up: 171,353 hours.

Number of MLO Employees for Registration Update: 24,479.

Burden per MLO Employee for Registration Update: 0.25 hours.

Total Burden for MLO Employees for Registration Update: 6,120 hours.

Total OTS Annual Burden: 536,195 hours.

NCUA

Number of Credit Union Respondents: 2,834 credit unions.

Burden per Credit Union for Initial Set up: 351 hours (220 hours to implement policies and procedures and establish tracking and compliance systems; 131 hours to establish reporting, filing, and information dissemination systems).

Total Credit Union Burden for Initial Set up: 994,734 hours.

Number of MLO Employees for Initial Set up: 23,539.

Burden per MLO Employee for Initial Set up: 3.50 hours (2.25 hours to provide information to Registry, and 1 hour to provide Unique Identifier to a consumer, upon request and at initial contact).

Total Burden for MLO Employees for Initial Set up: 82,386.5 hours.

Number of MLO Employees for Registration Update: 11,770.

Burden per MLO Employee for Registration Update: 0.25 hours.

Total Burden for MLO Employees for Registration Update: 2,942.50 hours.

Total NCUA Annual Burden: 1,080,063 hours.

C. OCC AND OTS Executive Order 12866 Determination

The OCC and the OTS have determined that this proposal is not a significant regulatory action under Executive Order 12866. We have concluded that the changes made by this rule will not have an annual effect on the economy of $100 million or more. The OCC and the OTS further conclude that this proposal does not meet any of the other standards for a significant regulatory action set forth in Executive Order 12866.

D. OCC and OTS Unfunded Mandates Reform Act of 1995 Determination

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), requires the OCC and OTS to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate 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 in any one year. However, this requirement does not apply to regulations that incorporate requirements specifically set forth in law. Because this proposed rule implements the S.A.F.E. Act, the OTS and OCC have not conducted an Unfunded Mandates Analysis for this rulemaking.

E. NCUA Executive Order 13132 Determination

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, the NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5) voluntarily complies with the Executive Order. The proposed rule applies to federally insured credit unions and would not have substantial direct effects on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA has determined that the proposed rule does not constitute a policy that has federalism implications for purposes of the Executive Order.

F. NCUA: The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects

12 CFR Part 34

Mortgages, National banks, Reporting and recordkeeping requirements.

12 CFR Part 208

Accounting, Agriculture, Banks, Banking, Confidential business information, Consumer protection, Crime, Currency, Insurance, Investments, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 365

Banks, Banking, Mortgages.

12 CFR Part 563

Accounting, Administrative practice and procedure, Advertising, Conflict of interests, Crime, Currency, Holding companies, Investments, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

12 CFR Part 610

Banks, Banking, Consumer protection, Loan programs—housing and community development, Mortgages, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 761

Credit unions, Mortgages, Reporting and recordkeeping requirements.

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons set forth in the preamble, chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 34—REAL ESTATE LENDING AND APPRAISALS

1. The authority citation for part 34 is revised to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 29, 93a, 371, 1701j-3, 1828(o), 3331 *et seq.,* and 5101 *et seq.*

2. Add Subpart F to part 34 to read as follows:

Subpart F—Registration of Residential Mortgage Loan Originators

Sec.
34.101 Authority, purpose, and scope.
34.102 Definitions.
34.103 Registration of mortgage loan originators.
34.104 Policies and procedures.
34.105 Use of unique identifier.
Appendix A to Subpart F of Part 34—Examples of Mortgage Loan Originator Activities

Subpart F—Registration of Residential Mortgage Loan Originators

§ 34.101 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, title V of the Housing and Economic Recovery Act of 2008 (S.A.F.E. Act) (Pub. L. 110–289, 122 Stat. 2654, 12 U.S.C. 5101 *et seq.*).

(b) *Purpose.* This subpart implements the S.A.F.E. Act's Federal registration requirement for mortgage loan originators. The S.A.F.E. Act provides that the objectives of this registration include aggregating and improving the flow of information to and between regulators; providing increased accountability and tracking of mortgage loan originators; enhancing consumer protections; reducing fraud in the residential mortgage loan origination process; and providing consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.

(c) *Scope*—(1) *In general.* This subpart applies to national banks, Federal branches and agencies of foreign banks, their operating subsidiaries (collectively referred to in this subpart as national banks), and their employees who act as mortgage loan originators.

(2) *Exception.* (i) This subpart and the requirements of sections 1504(a)(1)(A) and (2) of the S.A.F.E. Act do not apply to any employee of a national bank if during the past 12 months:

(A) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and

(B) The national bank employs mortgage loan originators who, while excepted from registration pursuant to paragraph (c)(2)(i)(A) of this section, in the aggregate, acted as a mortgage loan originator in connection with 25 or fewer residential mortgage loans.

(ii) Prior to engaging in mortgage loan origination activity that exceeds either the individual or the aggregate exception limit, a national bank employee must register with the Registry pursuant to this subpart.

§ 34.102 Definitions.

For purposes of this subpart F, the following definitions apply:

(a) *Annual renewal period* means November 1 through December 31 of each year.

(b)(1) *Mortgage loan originator* [3] means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) The term *mortgage loan originator* does not include:

(i) An individual who performs purely administrative or clerical tasks on behalf of an individual who is described in paragraph (b)(1) of this section;

(ii) An individual who only performs real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) and is licensed or registered as a real estate broker in accordance with applicable State law, unless the individual is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator in paragraph (b)(1) of this section; or

(iii) An individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(3) *Administrative or clerical tasks* means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(c) *Nationwide Mortgage Licensing System and Registry* or *Registry* means the system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed mortgage loan originators and the registration of mortgage loan originators pursuant to section 1507 of the S.A.F.E. Act.

(d) *Registered mortgage loan originator* or *registrant* means any individual who:

(1) Meets the definition of mortgage loan originator and is an employee of a national bank; and

(2) Is registered pursuant to this subpart with, and maintains a unique identifier through, the Registry.

(e) *Residential mortgage loan* means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act, 15 U.S.C. 1602(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling, and includes refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans that meet the qualifications listed in this definition.

(f) *Unique identifier* means a number or other identifier that:

(1) Permanently identifies a registered mortgage loan originator;

(2) Is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry, the Federal banking agencies, and the Farm Credit Administration to facilitate:

(i) Electronic tracking of mortgage loan originators; and

(ii) Uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators; and

(3) Must not be used for purposes other than those set forth under the S.A.F.E. Act.

§ 34.103 Registration of mortgage loan originators.

(a) *Registration requirement*—(1) *Employee registration.* Each employee of a national bank who acts as a mortgage loan originator must register with the Registry, obtain a unique identifier, and maintain this registration in accordance with the requirements of this subpart. Any such employee who is not in compliance with the registration and

[3] The Appendix to this subpart provides examples of activities that would, and would not, cause an employee to fall within this section's definition of mortgage loan originator.

unique identifier requirements set forth in this subpart is in violation of the S.A.F.E. Act and this subpart.

(2) *National bank requirement*—(i) *In general.* A national bank that employs one or more individuals who act as a residential mortgage loan originator must require each employee who is a mortgage loan originator to register with the Registry, maintain this registration, and obtain a unique identifier in accordance with the requirements of this subpart.

(ii) *Prohibition.* A national bank must not permit an employee of the bank who is subject to the registration requirements of this subpart to act as a mortgage loan originator unless such employee is registered with the Registry pursuant to this subpart.

(3) *Implementation period for initial registration.* An employee of a national bank who is a mortgage loan originator must complete an initial registration with the Registry pursuant to this subpart within 180 days from the date that the OCC provides public notice that the Registry is accepting registrations.

(4) *Employees previously registered or licensed through the Registry*—(i) *In general.* If an employee of a national bank was registered or licensed through, and obtained a unique identifier from, the Registry prior to becoming an employee of the bank and has maintained this registration or license, the registration requirements of the S.A.F.E. Act and this subpart are deemed to be met, provided that:

(A) The employment information in paragraphs (d)(1)(i)(C) and (d)(1)(ii) of this section is updated and the requirements of paragraph (d)(2) of this section are met;

(B) New fingerprints of the employee are submitted to the Registry for a background check, as required by paragraph (d)(1)(xii) of this section;

(C) The national bank information required in paragraphs (e)(1)(i) (to the extent the bank has not previously met these requirements) and (e)(2)(i) of this section is submitted to the Registry; and

(D) The registration is maintained pursuant to paragraphs (b) and (e)(1)(ii) of this section, as of the date that the employee is employed by the bank.

(ii) *Implementation period for certain acquisitions, mergers or reorganizations.* When registered or licensed mortgage loan originators become national bank employees as a result of an acquisition, merger or reorganization transaction, the bank and employees must comply with the requirements of paragraphs (a)(4)(i)(A), (C), and (D) of this section within 60 days from the effective date of the acquisition, merger, or reorganization.

(b) *Maintaining registration.* (1) A mortgage loan originator who is registered with the Registry pursuant to paragraph (a) of this section must:

(i) Renew the registration during the annual renewal period, confirming the responses set forth in paragraphs (d)(1)(i) through (xi) of this section remain accurate and complete, and updating this information, as appropriate; and

(ii) Update the registration within 30 days of any of the following events:

(A) A change in the name of the registrant;

(B) The registrant ceases to be an employee of the national bank; or

(C) The information required under paragraphs (d)(1)(iii) through (xi) of this section becomes inaccurate, incomplete, or out-of-date.

(2) A registered mortgage loan originator must maintain his or her registration, notwithstanding the originator's subsequent qualification for the exception set forth in § 34.101(c)(2), unless the individual is no longer engaged in the activity of a mortgage loan originator.

(c) *Effective dates*—(1) *Initial registration.* An initial registration pursuant to paragraph (a) of this section is effective on the date the registrant receives notification from the Registry that all information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

(2) *Renewals or updates.* A renewal or update pursuant to paragraph (b) of this section is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) of this section has been submitted and the renewal or update is complete.

(d) *Required employee information*—(1) *In general.* For purposes of the registration required by this section, a national bank must require each employee who is a mortgage loan originator to submit to the Registry, or must submit on behalf of the employee, the following categories of information to the extent this information is collected by the Registry:

(i) Identifying information, including the employee's:

(A) Name and any other names used;

(B) Home address;

(C) Address of the employee's principal business location and business contact information;

(D) Social security number;

(E) Gender; and

(F) Date and place of birth;

(ii) Financial services-related employment history for the 10 years prior to the date of registration or renewal, including the date the employee became an employee of the bank;

(iii) Financial information for the 10 years prior to the date of registration or renewal constituting a history of any personal bankruptcy; business bankruptcy based upon events that occurred while the employee exercised control over an organization; denied, paid out, or revoked bonds; or unsatisfied judgments or liens against the employee;

(iv) Felony convictions or other final criminal actions involving a felony against the employee or organizations controlled by the employee; or misdemeanor convictions or other final misdemeanor actions against the employee or organizations controlled by the employee involving financial services, a financial services-related business, dishonesty, or breach of trust;

(v) Civil judicial actions against the employee in connection with financial services-related activities, dismissals with settlements, judicial findings that the employee violated financial services-related statutes or regulations, except for actions dismissed without a settlement agreement;

(vi) Actions or orders by a State or Federal regulatory agency or foreign financial regulatory authority that:

(A) Found the employee to have made a false statement or omission or been dishonest, unfair or unethical; to have been involved in a violation of a financial services-related regulation or statute; or to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted;

(B) Are entered against the employee in connection with a financial services-related activity;

(C) Denied, suspended, or revoked the employee's registration or license to engage in a financial services-related activity; disciplined the employee or otherwise by order prevented the employee from associating with a financial services-related business or restricted the employee's activities; or

(D) Barred the employee from association with an entity regulated by the agency or authority or from engaging in a financial services-related business;

(vii) Final orders issued by a State or Federal regulatory agency or foreign financial regulatory authority based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;

(viii) Revocation or suspension of the employee's authorization to act as an attorney, accountant, or State or Federal contractor;

(ix) Customer-initiated financial services-related arbitration or civil action against the employee that required action, including settlements;

(x) Disclosure of any voluntary or involuntary employment terminations resulting from allegations accusing the employee of violating a statute, regulation, or industry standard of conduct; fraud; dishonesty; theft; or the wrongful taking of property;

(xi) Any pending actions against the employee that could result in an action listed in paragraphs (d)(1)(iii) through (ix) of this section; and

(xii) Fingerprints of the employee, in digital form if practicable, collected by the employing institution less than three years prior to registration and any appropriate identifying information for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information in connection with a State and national criminal history background check.

(2) *Employee authorization and attestation.* An employee registering as a mortgage loan originator or renewing his or her registration under this subpart must:

(i) Authorize the Registry and the employing institution to obtain information related to any administrative, civil or criminal findings, to which the employee is a party, made by any governmental jurisdiction;

(ii) Attest to the correctness of all information required by paragraph (d) of this section, whether submitted by the employee or on behalf of the employee by the employing bank; and

(iii) Authorize the Registry to make available to the public information required by paragraphs (d)(1)(i)(A) and (C), (d)(1)(ii), (iv)–(ix) and (xi) of this section.

(e) *Required bank information.* A national bank must submit the following information to the Registry.

(1) *Bank record.* (i) In connection with the initial registration of one or more mortgage loan originators:

(A) Name and main office address;

(B) Internal Revenue Service Employer Tax Identification Number (EIN);

(C) Research Statistics Supervision and Discount (RSSD) number, as issued by the Board of Governors of the Federal Reserve System;

(D) Identification of its primary Federal regulator;

(E) Name(s) and contact information of the individual(s) with authority to act as the bank's primary point of contact for the Registry;

(F) Name(s) and contact information of the individual(s) with authority to enter data required in paragraph (e) of this section on the Registry and who may delegate this authority to other bank employees, provided this individual and any delegated employee does not act as a mortgage loan originator; and

(G) If a subsidiary of a national bank, indication that it is a subsidiary and the name of its parent bank.

(ii) A national bank must update the information required by this paragraph (e) within 30 days of the date that this information becomes inaccurate.

(2) *Employee information.* In connection with the registration of each employee who acts as a mortgage loan originator:

(i) After the information required by paragraph (d) of this section has been submitted to the Registry, confirmation that it employs the registrant; and

(ii) Within 30 days of the date the registrant ceases to be an employee of the bank, notification that it no longer employs the registrant and the date the registrant ceased being an employee.

§ 34.104 Policies and procedures.

A national bank that employs mortgage loan originators must adopt and follow written policies and procedures designed to assure compliance with this subpart. These policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the bank. At a minimum, these policies and procedures must:

(a) Establish a process for identifying which employees of the bank are required to be registered mortgage loan originators;

(b) Require that all employees of the national bank who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this subpart and be instructed on how to comply with such requirements and procedures;

(c) Establish procedures to comply with the unique identifier requirements in § 34.105;

(d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;

(e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;

(f) Provide for independent testing for compliance with this subpart to be conducted by bank personnel or by an outside party;

(g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this subpart, or the bank's related policies and procedures, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions; and

(h) Establish a process for reviewing employee criminal history background reports received from the Registry in connection with § 34.103(d)(1)(xii), taking appropriate action consistent with applicable law and rules with respect to these reports, and for maintaining records of these reports and actions taken with respect to applicable employees.

§ 34.105 Use of unique identifier.

(a) The national bank shall make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution.

(b) A registered mortgage loan originator shall provide his or her unique identifier to a consumer:

(1) Upon request;

(2) Before acting as a mortgage loan originator; and

(3) Through the originator's initial written communication with a consumer, if any.

Appendix A to Subpart F of Part 34—Examples of Mortgage Loan Originator Activities

This Appendix provides examples to aid in the understanding of activities that would cause an employee of a national bank to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this subpart. For the purposes of the examples below, the term ''loan'' refers to a residential mortgage loan.

(a) *Taking a loan application:* The following examples illustrate when an employee takes or does not take, a loan application.

(1) Taking an application includes: Receiving information that is sufficient to determine whether the consumer qualifies for a loan, even if the employee has had no contact with the consumer and is not responsible for further verification of information.

(2) Taking an application does not include any of the following activities performed solely or in combination:

(i) Contacting a consumer to verify the information in the loan application by obtaining documentation, such as tax returns or payroll receipts;

(ii) Receiving a loan application through the mail and forwarding it, without review, to loan approval personnel; or

(iii) Assisting a consumer who is filling out an application by clarifying what type of

information is necessary for the application or otherwise explaining the loan application process in response to consumer inquiries.

(b) *Offering or negotiating terms of a loan:* The following examples are designed to illustrate when an employee offers or negotiates terms of a loan, and conversely, what does not constitute offering or negotiating terms of a loan.

(1) Offering or negotiating the terms of a loan includes:

(i) Presenting a loan offer to a consumer for acceptance, either verbally or in writing, even if further verification of information is necessary and the offer is conditional; or

(ii) Responding to a consumer's request for a lower rate or lower points on a pending loan application by presenting to the consumer a revised loan offer, either verbally or in writing, that includes a lower interest rate or lower points than the original offer.

(2) Offering or negotiating terms of a loan does not include solely or in combination:

(i) Providing general explanations in response to consumer queries regarding qualification for a specific loan product, such as explaining loan terminology (*i.e.,* debt-to-income ratio) or lending policies (*i.e.,* the loan-to-value ratio policy of the national bank);

(ii) In response to a consumer's request, informing a consumer of the loan rates that are publicly available such as on the national bank's Web site for specific types of loan products without communicating to the consumer whether qualifications are met for that loan product;

(iii) Collecting information about a consumer in order to provide the consumer with information on loan products for which the consumer generally may qualify, without presenting a specific loan offer to the consumer for acceptance, either verbally or in writing;

(iv) Arranging the loan closing or other aspects of the loan process, including communicating with a consumer about those arrangements, provided that communication with the consumer only verifies loan terms already offered or negotiated; or

(v) Providing a consumer with information unrelated to loan terms, such as the best days of the month for scheduling loan closings at the bank.

(c) The following examples illustrate when an employee does or does not offer or negotiate terms of a loan ''for compensation or gain.''

(1) Offering or negotiating terms of a loan for compensation or gain includes engaging in any of the activities in paragraph (b)(1) of this Appendix in the course of carrying out employment duties, even if the employee does not receive a referral fee or commission or other special compensation for the loan.

(2) Offering or negotiating terms of a loan for compensation or gain does not include engaging in a seller-financed transaction for the employee's personal property that does not involve the national bank.

Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set forth in the preamble, chapter II of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 is revised to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3106a(b)(1), 3108(a), 3310, 3331–3351, and 3906–3909, 5101 *et seq.,* 15 U.S.C. 78b, 78l(b), 78l(g), 78l(i), 780–4(c)(5), 78q, 78q–1, 78w, 1681s, 1681w, 6801 and 6805; 31 U.S.C. 5318, 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

2. Subpart I, consisting of §§ 208.100 and 208.101, is redesignated as Subpart J, consisting of §§ 208.110 and 208.111.

3. New subpart I is added to read as follows:

Subpart I—Registration of Residential Mortgage Loan Originators

Sec.
208.101 Authority, purpose, and scope.
208.102 Definitions.
208.103 Registration of mortgage loan originators.
208.104 Policies and procedures.
208.105 Use of unique identifier.
Appendix A to Subpart I of Part 208—Examples of Mortgage Loan Originator Activities

Subpart I—Registration of Residential Mortgage Loan Originators

§ 208.101 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Board of Governors of the Federal Reserve System (Board) pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, title V of the Housing and Economic Recovery Act of 2008 (S.A.F.E. Act) (Pub. L. 110–289, 122 Stat. 2654, 12 U.S.C. 5101 *et seq.*), 12 U.S.C. 248(a), 3106a(b)(1), and 3108(a).

(b) *Purpose.* This subpart implements the S.A.F.E. Act's Federal registration requirement for mortgage loan originators. The S.A.F.E. Act provides that the objectives of this registration include aggregating and improving the flow of information to and between regulators; providing increased accountability and tracking of mortgage loan originators; enhancing consumer protections; reducing fraud in the residential mortgage loan origination process; and providing consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.

(c) *Scope*—(1) *In general.* This subpart applies to member banks of the Federal Reserve System (other than national banks); their respective subsidiaries that are not functionally regulated within the meaning of section 5(c)(5) of the Bank Holding Company Act, as amended (12 U.S.C. 1844(c)(5)); branches and agencies of foreign banks (other than federal branches, Federal agencies and insured state branches of foreign banks), and commercial lending companies owned or controlled by foreign banks (collectively referred to in this subpart as banks), and their employees who act as mortgage loan originators.

(2) *Exception.* (i) This subpart and the requirements of sections 1504(a)(1)(A) and (2) of the S.A.F.E. Act do not apply to any employee of a bank if during the past 12 months:

(A) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and

(B) The bank employs mortgage loan originators who, while excepted from registration pursuant to paragraph (c)(2)(i)(A) of this section, in the aggregate, acted as a mortgage loan originator in connection with 25 or fewer residential mortgage loans.

(ii) Prior to engaging in mortgage loan origination activity that exceeds either the individual or the aggregate exception limit, a bank employee must register with the Registry pursuant to this subpart.

§ 208.102 Definitions.

For purposes of this subpart, the following definitions apply:

(a) *Annual renewal period* means November 1 through December 31 of each year.

(b)(1) *Mortgage loan originator* [7] means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) The term *mortgage loan originator* does not include:

(i) An individual who performs purely administrative or clerical tasks on behalf of an individual who is described in paragraph (b)(1) of this section;

(ii) An individual who only performs real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) and is licensed or registered as a real estate broker in accordance with applicable State law, unless the individual is compensated by

[7] The Appendix to this subpart provides examples of activities that would, and would not, cause an employee to fall within this section's definition of mortgage loan originator.

a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator in paragraph (b)(1) of this section; or

(iii) An individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(3) *Administrative or clerical tasks* means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(c) *Nationwide Mortgage Licensing System and Registry* or *Registry* means the system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed mortgage loan originators and the registration of mortgage loan originators pursuant to section 1507 of the S.A.F.E. Act.

(d) *Registered mortgage loan originator* or *registrant* means any individual who:

(1) Meets the definition of mortgage loan originator and is an employee of a bank; and

(2) Is registered pursuant to this subpart with, and maintains a unique identifier through, the Registry.

(e) *Residential mortgage loan* means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act, 15 U.S.C. 1602(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling, and includes refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans that meet the qualifications listed in this definition.

(f) *Unique identifier* means a number or other identifier that:

(1) Permanently identifies a registered mortgage loan originator;

(2) Is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry, the Federal banking agencies, and the Farm Credit Administration to facilitate:

(i) Electronic tracking of mortgage loan originators; and

(ii) Uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators; and

(3) Must not be used for purposes other than those set forth under the S.A.F.E. Act.

§ 208.103 Registration of mortgage loan originators.

(a) *Registration requirement*—(1) *Employee registration.* Each employee of a bank who acts as a mortgage loan originator must register with the Registry, obtain a unique identifier, and maintain this registration in accordance with the requirements of this subpart. Any such employee who is not in compliance with the registration and unique identifier requirements set forth in this subpart is in violation of the S.A.F.E. Act and this subpart.

(2) *Bank requirement*—(i) *In general.* A bank that employs one or more individuals who act as a residential mortgage loan originator must require each employee who is a mortgage loan originator to register with the Registry, maintain this registration, and obtain a unique identifier in accordance with the requirements of this subpart.

(ii) *Prohibition.* A bank must not permit an employee of the bank who is subject to the registration requirements of this subpart to act as a mortgage loan originator unless such employee is registered with the Registry pursuant to this subpart.

(3) *Implementation period for initial registration.* An employee of a bank who is a mortgage loan originator must complete an initial registration with the Registry pursuant to this subpart within 180 days from the date that the Board provides public notice that the Registry is accepting registrations.

(4) *Employees previously registered or licensed through the Registry*—(i) *In general.* If an employee of a bank was registered or licensed through, and obtained a unique identifier from, the Registry prior to becoming an employee of the bank and has maintained this registration or license, the registration requirements of the S.A.F.E. Act and this subpart are deemed to be met, provided that:

(A) The employment information in paragraphs (d)(1)(i)(C) and (d)(1)(ii) of this section is updated and the requirements of paragraph (d)(2) of this section are met;

(B) New fingerprints of the employee are submitted to the Registry for a background check, as required by paragraph (d)(1)(xii) of this section;

(C) The bank information required in paragraphs (e)(1)(i) (to the extent the bank has not previously met these requirements) and (e)(2)(i) of this section is submitted to the Registry; and

(D) The registration is maintained pursuant to paragraphs (b) and (e)(1)(ii) of this section, as of the date that the employee is employed by the bank.

(ii) *Implementation period for certain acquisitions, mergers or reorganizations.* When registered or licensed mortgage loan originators become bank employees as a result of an acquisition, merger or reorganization transaction, the bank and employees must comply with the requirements of paragraphs (a)(4)(i)(A), (C), and (D) of this section within 60 days from the effective date of the acquisition, merger, or reorganization.

(b) *Maintaining registration.* (1) A mortgage loan originator who is registered with the Registry pursuant to paragraph (a) of this section must:

(i) Renew the registration during the annual renewal period, confirming the responses set forth in paragraphs (d)(1)(i) through (xi) of this section remain accurate and complete, and updating this information, as appropriate; and

(ii) Update the registration within 30 days of any of the following events:

(A) A change in the name of the registrant;

(B) The registrant ceases to be an employee of the bank; or

(C) The information required under paragraphs (d)(1)(iii) through (xi) of this section becomes inaccurate, incomplete, or out-of-date.

(2) A registered mortgage loan originator must maintain his or her registration, notwithstanding the originator's subsequent qualification for the exception set forth in § 208.101(c)(2), unless the individual is no longer engaged in the activity of a mortgage loan originator.

(c) *Effective dates*—(1) *Initial registration.* An initial registration pursuant to paragraph (a) of this section is effective on the date the registrant receives notification from the Registry that all information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

(2) *Renewals or updates.* A renewal or update pursuant to paragraph (b) of this section is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) of this section has been submitted and the renewal or update is complete.

(d) *Required employee information*—(1) *In general.* For purposes of the registration required by this section, a bank must require each employee who is a mortgage loan originator to submit to the Registry, or must submit on behalf of the employee, the following categories of information to the extent

this information is collected by the Registry:

(i) Identifying information, including the employee's:

(A) Name and any other names used;

(B) Home address;

(C) Address of the employee's principal business location and business contact information;

(D) Social security number;

(E) Gender; and

(F) Date and place of birth;

(ii) Financial services-related employment history for the 10 years prior to the date of registration or renewal, including the date the employee became an employee of the bank;

(iii) Financial information for the 10 years prior to the date of registration or renewal constituting a history of any personal bankruptcy; business bankruptcy based upon events that occurred while the employee exercised control over an organization; denied, paid out, or revoked bonds; or unsatisfied judgments or liens against the employee;

(iv) Felony convictions or other final criminal actions involving a felony against the employee or organizations controlled by the employee; or misdemeanor convictions or other final misdemeanor actions against the employee or organizations controlled by the employee involving financial services, a financial services-related business, dishonesty, or breach of trust;

(v) Civil judicial actions against the employee in connection with financial services-related activities, dismissals with settlements, judicial findings that the employee violated financial services-related statutes or regulations, except for actions dismissed without a settlement agreement;

(vi) Actions or orders by a State or Federal regulatory agency or foreign financial regulatory authority that:

(A) Found the employee to have made a false statement or omission or been dishonest, unfair or unethical; to have been involved in a violation of a financial services-related regulation or statute; or to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted;

(B) Are entered against the employee in connection with a financial services-related activity;

(C) Denied, suspended, or revoked the employee's registration or license to engage in a financial services-related activity; disciplined the employee or otherwise by order prevented the employee from associating with a financial services-related business or restricted the employee's activities; or

(D) Barred the employee from association with an entity regulated by the agency or authority or from engaging in a financial services-related business;

(vii) Final orders issued by a State or Federal regulatory agency or foreign financial regulatory authority based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;

(viii) Revocation or suspension of the employee's authorization to act as an attorney, accountant, or State or Federal contractor;

(ix) Customer-initiated financial services-related arbitration or civil action against the employee that required action, including settlements;

(x) Disclosure of any voluntary or involuntary employment terminations resulting from allegations accusing the employee of violating a statute, regulation, or industry standard of conduct; fraud; dishonesty; theft; or the wrongful taking of property;

(xi) Any pending actions against the employee that could result in an action listed in paragraphs (d)(1)(iii) through (ix) of this section; and

(xii) Fingerprints of the employee, in digital form if practicable, collected by the employing institution less than three years prior to registration and any appropriate identifying information for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information in connection with a State and national criminal history background check.

(2) *Employee authorization and attestation.* An employee registering as a mortgage loan originator or renewing his or her registration under this subpart must:

(i) Authorize the Registry and the employing institution to obtain information related to any administrative, civil or criminal findings, to which the employee is a party, made by any governmental jurisdiction;

(ii) Attest to the correctness of all information required by paragraph (d) of this section, whether submitted by the employee or on behalf of the employee by the employing bank; and

(iii) Authorize the Registry to make available to the public information required by paragraphs (d)(1)(i)(A) and (C), (d)(1)(ii), (iv)–(ix) and (xi) of this section.

(e) *Required bank information.* A bank must submit the following information to the Registry.

(1) *Bank record.* (i) In connection with the initial registration of one or more mortgage loan originators:

(A) Name and main office address;

(B) Internal Revenue Service Employer Tax Identification Number (EIN);

(C) Research Statistics Supervision and Discount (RSSD) number, as issued by the Board;

(D) Identification of its primary Federal regulator;

(E) Name(s) and contact information of the individual(s) with authority to act as the bank's primary point of contact for the Registry;

(F) Name(s) and contact information of the individual(s) with authority to enter data required in paragraph (e) of this section on the Registry and who may delegate this authority to other bank employees, provided this individual and any delegated employee does not act as a mortgage loan originator; and

(G) If a subsidiary of a bank, indication that it is a subsidiary and the name of its parent bank.

(ii) A bank must update the information required by this paragraph (e) within 30 days of the date that this information becomes inaccurate.

(2) *Employee information.* In connection with the registration of each employee who acts as a mortgage loan originator:

(i) After the information required by paragraph (d) of this section has been submitted to the Registry, confirmation that it employs the registrant; and

(ii) Within 30 days of the date the registrant ceases to be an employee of the bank, notification that it no longer employs the registrant and the date the registrant ceased being an employee.

§ 208.104 Policies and procedures.

A bank that employs mortgage loan originators must adopt and follow written policies and procedures designed to assure compliance with this subpart. These policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the bank. At a minimum, these policies and procedures must:

(a) Establish a process for identifying which employees of the bank are required to be registered mortgage loan originators;

(b) Require that all employees of the bank who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this subpart and be instructed on how to comply with such requirements and procedures;

(c) Establish procedures to comply with the unique identifier requirements in § 208.105;

(d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;

(e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;

(f) Provide for independent testing for compliance with this subpart to be conducted by bank personnel or by an outside party;

(g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this subpart, or the bank's related policies and procedures, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions; and

(h) Establish a process for reviewing employee criminal history background reports received from the Registry in connection with § 208.103(d)(1)(xii), taking appropriate action consistent with applicable law and rules with respect to these reports, and for maintaining records of these reports and actions taken with respect to applicable employees.

§ 208.105 Use of unique identifier.

(a) The bank shall make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution.

(b) A registered mortgage loan originator shall provide his or her unique identifier to a consumer:

(1) Upon request;

(2) Before acting as a mortgage loan originator; and

(3) Through the originator's initial written communication with a consumer, if any.

Appendix A to Subpart I of Part 208—Examples of Mortgage Loan Originator Activities

This Appendix provides examples to aid in the understanding of activities that would cause an employee of a bank to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this subpart. For the purposes of the examples below, the term ''loan'' refers to a residential mortgage loan.

(a) *Taking a loan application:* The following examples illustrate when an employee takes, or does not take, a loan application.

(1) Taking an application includes: receiving information that is sufficient to determine whether the consumer qualifies for a loan, even if the employee has had no contact with the consumer and is not responsible for further verification of information.

(2) Taking an application does not include any of the following activities performed solely or in combination:

(i) Contacting a consumer to verify the information in the loan application by obtaining documentation, such as tax returns or payroll receipts;

(ii) Receiving a loan application through the mail and forwarding it, without review, to loan approval personnel; or

(iii) Assisting a consumer who is filling out an application by clarifying what type of information is necessary for the application or otherwise explaining the loan application process in response to consumer inquiries.

(b) *Offering or negotiating terms of a loan:* The following examples are designed to illustrate when an employee offers or negotiates terms of a loan, and conversely, what does not constitute offering or negotiating terms of a loan.

(1) Offering or negotiating the terms of a loan includes:

(i) Presenting a loan offer to a consumer for acceptance, either verbally or in writing, even if further verification of information is necessary and the offer is conditional; or

(ii) Responding to a consumer's request for a lower rate or lower points on a pending loan application by presenting to the consumer a revised loan offer, either verbally or in writing, that includes a lower interest rate or lower points than the original offer.

(2) Offering or negotiating terms of a loan does not include solely or in combination:

(i) Providing general explanations in response to consumer queries regarding qualification for a specific loan product, such as explaining loan terminology (*i.e.,* debt-to-income ratio) or lending policies (*i.e.,* the loan-to-value ratio policy of the bank);

(ii) In response to a consumer's request, informing a consumer of the loan rates that are publicly available such as on the bank's Web site for specific types of loan products without communicating to the consumer whether qualifications are met for that loan product;

(iii) Collecting information about a consumer in order to provide the consumer with information on loan products for which the consumer generally may qualify, without presenting a specific loan offer to the consumer for acceptance, either verbally or in writing;

(iv) Arranging the loan closing or other aspects of the loan process, including communicating with a consumer about those arrangements, provided that communication with the consumer only verifies loan terms already offered or negotiated; or

(v) Providing a consumer with information unrelated to loan terms, such as the best days of the month for scheduling loan closings at the bank.

(c) The following examples illustrate when an employee does or does not offer or negotiate terms of a loan ''for compensation or gain.''

(1) Offering or negotiating terms of a loan for compensation or gain includes engaging in any of the activities in paragraph (b)(1) of this Appendix in the course of carrying out employment duties, even if the employee does not receive a referral fee or commission or other special compensation for the loan.

(2) Offering or negotiating terms of a loan for compensation or gain does not include engaging in a seller-financed transaction for the employee's personal property that does not involve the bank.

4. Section 208.111 is amended by redesignating footnotes 7 and 8 as footnotes 8 and 9, respectively, and by revising newly designated footnote 9 to read as follows:

§ 208.111 Obligations concerning institutional customers.

* * * * *

[9] *See* footnote 8 in paragraph (d) of this section.

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority and Issuance

For the reasons set forth in the preamble, the Federal Deposit Insurance Corporation proposes to amend subchapter B of chapter III of title 12 of the Code of Federal Regulations by amending part 365 as follows:

PART 365—REAL ESTATE LENDING STANDARDS

1. The authority citation for part 365 is revised to read as follows:

Authority: 12 U.S.C. 1828(o) and 5101 *et seq.*

2. Sections 365.1 and 365.2 and Appendix A are placed under a new subpart A, and the heading for new subpart A is added to read as follows:

Subpart A—Real Estate Lending Standards

§ 365.1 [Amended]

3. Section 365.1 is amended by removing ''part'' and adding ''subpart'' in its place.

4. Appendix A to Part 365 is redesignated as Appendix A to Subpart A of Part 365, and the heading is revised to read as follows:

Appendix A to Subpart A of Part 365—Interagency Guidelines for Real Estate Lending Policies

5. New subpart B is added to read as follows:

Subpart B—Registration of Mortgage Loan Originators

Sec.

365.101 Authority, purpose, and scope.
365.102 Definitions.
365.103 Registration of mortgage loan originators.

365.104 Policies and procedures.
365.105 Use of unique identifier.
Appendix A to Subpart B of Part 365—Examples of Mortgage Loan Originator Activities.

Subpart B—Registration of Residential Mortgage Loan Originators

§ 365.101 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, title V of the Housing and Economic Recovery Act of 2008 (S.A.F.E. Act) (Pub. L. 110–289, 122 Stat. 2654, 12 U.S.C. 5101 *et seq.*).

(b) *Purpose.* This subpart implements the S.A.F.E. Act's Federal registration requirement for mortgage loan originators. The S.A.F.E. Act provides that the objectives of this registration include aggregating and improving the flow of information to and between regulators; providing increased accountability and tracking of mortgage loan originators; enhancing consumer protections; reducing fraud in the residential mortgage loan origination process; and providing consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.

(c) *Scope*—(1) *In general.* This subpart applies to insured state nonmember banks (including state-licensed insured branches of foreign banks) and their subsidiaries (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) (collectively referred to in this subpart as insured state nonmember banks), and their employees who act as mortgage loan originators.

(2) *Exception.* (i) This subpart and the requirements of sections 1504(a)(1)(A) and (2) of the S.A.F.E. Act do not apply to any employee of an insured state nonmember bank if during the past 12 months:

(A) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and

(B) The insured state nonmember bank employs mortgage loan originators who, while excepted from registration pursuant to paragraph (c)(2)(i)(A) of this section, in the aggregate, acted as a mortgage loan originator in connection with 25 or fewer residential mortgage loans.

(ii) Prior to engaging in mortgage loan origination activity that exceeds either the individual or the aggregate exception limit, an insured state nonmember bank employee must register with the Registry pursuant to this subpart.

§ 365.102 Definitions.

For purposes of this subpart, the following definitions apply:

(a) *Annual renewal period* means November 1 through December 31 of each year.

(b)(1) *Mortgage loan originator*[1] means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) The term *mortgage loan originator* does not include:

(i) An individual who performs purely administrative or clerical tasks on behalf of an individual who is described in paragraph (b)(1) of this section;

(ii) An individual who only performs real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) and is licensed or registered as a real estate broker in accordance with applicable State law, unless the individual is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator in paragraph (b)(1) of this section; or

(iii) An individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(3) *Administrative or clerical tasks* means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(c) *Nationwide Mortgage Licensing System and Registry* or *Registry* means the system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed mortgage loan originators and the registration of mortgage loan originators pursuant to section 1507 of the S.A.F.E. Act.

(d) *Registered mortgage loan originator* or *registrant* means any individual who:

(1) Meets the definition of mortgage loan originator and is an employee of an insured state nonmember bank; and

(2) Is registered pursuant to this subpart with, and maintains a unique identifier through, the Registry.

(e) *Residential mortgage loan* means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act, 15 U.S.C. 1602(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling, and includes refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans that meet the qualifications listed in this definition.

(f) *Unique identifier* means a number or other identifier that:

(1) Permanently identifies a registered mortgage loan originator;

(2) Is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry, the Federal banking agencies, and the Farm Credit Administration to facilitate:

(i) Electronic tracking of mortgage loan originators; and

(ii) Uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators; and

(3) Must not be used for purposes other than those set forth under the S.A.F.E. Act.

§ 365.103 Registration of mortgage loan originators.

(a) *Registration requirement*—(1) *Employee registration.* Each employee of an insured state nonmember bank who acts as a mortgage loan originator must register with the Registry, obtain a unique identifier, and maintain this registration in accordance with the requirements of this subpart. Any such employee who is not in compliance with the registration and unique identifier requirements set forth in this subpart is in violation of the S.A.F.E. Act and this subpart.

(2) *Insured state nonmember bank requirement*—(i) *In general.* An insured state nonmember bank that employs one or more individuals who act as a residential mortgage loan originator must require each employee who is a mortgage loan originator to register with the Registry, maintain this registration, and obtain a unique identifier in accordance with the requirements of this subpart.

(ii) *Prohibition.* An insured state nonmember bank must not permit an employee of the bank who is subject to the registration requirements of this subpart to act as a mortgage loan

[1] The Appendix to this subpart provides examples of activities that would, and would not, cause an employee to fall within this section's definition of mortgage loan originator.

originator unless such employee is registered with the Registry pursuant to this subpart.

(3) *Implementation period for initial registration.* An employee of an insured state nonmember bank who is a mortgage loan originator must complete an initial registration with the Registry pursuant to this subpart within 180 days from the date that the FDIC provides public notice that the Registry is accepting registrations.

(4) *Employees previously registered or licensed through the Registry*—(i) *In general.* If an employee of an insured state nonmember bank was registered or licensed through, and obtained a unique identifier from, the Registry prior to becoming an employee of the bank and has maintained this registration or license, the registration requirements of the S.A.F.E. Act and this subpart are deemed to be met, provided that:

(A) The employment information in paragraphs (d)(1)(i)(C) and (d)(1)(ii) of this section is updated and the requirements of paragraph (d)(2) of this section are met;

(B) New fingerprints of the employee are submitted to the Registry for a background check, as required by paragraph (d)(1)(xii) of this section;

(C) The insured state nonmember bank information required in paragraphs (e)(1)(i) (to the extent the bank has not previously met these requirements) and (e)(2)(i) of this section is submitted to the Registry; and

(D) The registration is maintained pursuant to paragraphs (b) and (e)(1)(ii) of this section, as of the date that the employee is employed by the bank.

(ii) *Implementation period for certain acquisitions, mergers or reorganizations.* When registered or licensed mortgage loan originators become insured state nonmember bank employees as a result of an acquisition, merger or reorganization transaction, the bank and employees must comply with the requirements of paragraphs (a)(4)(i)(A), (C), and (D) of this section within 60 days from the effective date of the acquisition, merger, or reorganization.

(b) *Maintaining registration.* (1) A mortgage loan originator who is registered with the Registry pursuant to paragraph (a) of this section must:

(i) Renew the registration during the annual renewal period, confirming the responses set forth in paragraphs (d)(1)(i) through (xi) of this section remain accurate and complete, and updating this information, as appropriate; and

(ii) Update the registration within 30 days of any of the following events:

(A) A change in the name of the registrant;

(B) The registrant ceases to be an employee of the insured state nonmember bank; or

(C) The information required under paragraphs (d)(1)(iii) through (xi) of this section becomes inaccurate, incomplete, or out-of-date.

(2) A registered mortgage loan originator must maintain his or her registration, notwithstanding the originator's subsequent qualification for the exception set forth in § 365.101(c)(2), unless the individual is no longer engaged in the activity of a mortgage loan originator.

(c) *Effective dates*—(1) *Initial registration.* An initial registration pursuant to paragraph (a) of this section is effective on the date the registrant receives notification from the Registry that all information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

(2) *Renewals or updates.* A renewal or update pursuant to paragraph (b) of this section is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) of this section has been submitted and the renewal or update is complete.

(d) *Required employee information*—(1) *In general.* For purposes of the registration required by this section, an insured state nonmember bank must require each employee who is a mortgage loan originator to submit to the Registry, or must submit on behalf of the employee, the following categories of information to the extent this information is collected by the Registry:

(i) Identifying information, including the employee's:

(A) Name and any other names used;

(B) Home address;

(C) Address of the employee's principal business location and business contact information;

(D) Social security number;

(E) Gender; and

(F) Date and place of birth;

(ii) Financial services-related employment history for the 10 years prior to the date of registration or renewal, including the date the employee became an employee of the bank;

(iii) Financial information for the 10 years prior to the date of registration or renewal constituting a history of any personal bankruptcy; business bankruptcy based upon events that occurred while the employee exercised control over an organization; denied, paid out, or revoked bonds; or unsatisfied judgments or liens against the employee;

(iv) Felony convictions or other final criminal actions involving a felony against the employee or organizations controlled by the employee; or misdemeanor convictions or other final misdemeanor actions against the employee or organizations controlled by the employee involving financial services, a financial services-related business, dishonesty, or breach of trust;

(v) Civil judicial actions against the employee in connection with financial services-related activities, dismissals with settlements, judicial findings that the employee violated financial services-related statutes or regulations, except for actions dismissed without a settlement agreement;

(vi) Actions or orders by a State or Federal regulatory agency or foreign financial regulatory authority that:

(A) Found the employee to have made a false statement or omission or been dishonest, unfair or unethical; to have been involved in a violation of a financial services-related regulation or statute; or to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted;

(B) Are entered against the employee in connection with a financial services-related activity;

(C) Denied, suspended, or revoked the employee's registration or license to engage in a financial services-related activity; disciplined the employee or otherwise by order prevented the employee from associating with a financial services-related business or restricted the employee's activities; or

(D) Barred the employee from association with an entity regulated by the agency or authority or from engaging in a financial services-related business;

(vii) Final orders issued by a State or Federal regulatory agency or foreign financial regulatory authority based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;

(viii) Revocation or suspension of the employee's authorization to act as an attorney, accountant, or State or Federal contractor;

(ix) Customer-initiated financial services-related arbitration or civil action against the employee that required action, including settlements;

(x) Disclosure of any voluntary or involuntary employment terminations resulting from allegations accusing the employee of violating a statute, regulation, or industry standard of conduct; fraud; dishonesty; theft; or the wrongful taking of property;

(xi) Any pending actions against the employee that could result in an action

listed in paragraphs (d)(1)(iii) through (ix) of this section; and

(xii) Fingerprints of the employee, in digital form if practicable, collected by the employing institution less than three years prior to registration and any appropriate identifying information for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information in connection with a State and national criminal history background check.

(2) *Employee authorization and attestation.* An employee registering as a mortgage loan originator or renewing his or her registration under this subpart must:

(i) Authorize the Registry and the employing institution to obtain information related to any administrative, civil or criminal findings, to which the employee is a party, made by any governmental jurisdiction;

(ii) Attest to the correctness of all information required by paragraph (d) of this section, whether submitted by the employee or on behalf of the employee by the employing bank; and

(iii) Authorize the Registry to make available to the public information required by paragraphs (d)(1)(i)(A) and (C), (d)(1)(ii), (iv)–(ix) and (xi) of this section.

(e) *Required bank information.* An insured state nonmember bank must submit the following information to the Registry.

(1) *Bank record.* (i) In connection with the initial registration of one or more mortgage loan originators:

(A) Name and main office address;

(B) Internal Revenue Service Employer Tax Identification Number (EIN);

(C) Research Statistics Supervision and Discount (RSSD) number, as issued by the Board of Governors of the Federal Reserve System;

(D) Identification of its primary Federal regulator;

(E) Name(s) and contact information of the individual(s) with authority to act as the bank's primary point of contact for the Registry;

(F) Name(s) and contact information of the individual(s) with authority to enter data required in paragraph (e) of this section on the Registry and who may delegate this authority to other bank employees, provided this individual and any delegated employee does not act as a mortgage loan originator; and

(G) If a subsidiary of an insured state nonmember bank, indication that it is a subsidiary and the name of its parent bank.

(ii) An insured state nonmember bank must update the information required by this paragraph (e) within 30 days of the date that this information becomes inaccurate.

(2) *Employee information.* In connection with the registration of each employee who acts as a mortgage loan originator:

(i) After the information required by paragraph (d) of this section has been submitted to the Registry, confirmation that it employs the registrant; and

(ii) Within 30 days of the date the registrant ceases to be an employee of the bank, notification that it no longer employs the registrant and the date the registrant ceased being an employee.

§ 365.104 Policies and procedures.

An insured state nonmember bank that employs mortgage loan originators must adopt and follow written policies and procedures designed to assure compliance with this subpart. These policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the bank. At a minimum, these policies and procedures must:

(a) Establish a process for identifying which employees of the bank are required to be registered mortgage loan originators;

(b) Require that all employees of the insured state nonmember bank who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this subpart and be instructed on how to comply with such requirements and procedures;

(c) Establish procedures to comply with the unique identifier requirements in § 365.105;

(d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;

(e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;

(f) Provide for independent testing for compliance with this subpart to be conducted by bank personnel or by an outside party;

(g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this subpart, or the bank's related policies and procedures, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions; and

(h) Establish a process for reviewing employee criminal history background reports received from the Registry in connection with § 365.103(d)(1)(xii), taking appropriate action consistent with applicable law and rules with respect to these reports, and for maintaining records of these reports and actions taken with respect to applicable employees.

§ 365.105 Use of unique identifier.

(a) An insured state nonmember bank shall make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution.

(b) A registered mortgage loan originator shall provide his or her unique identifier to a consumer:

(1) Upon request;

(2) Before acting as a mortgage loan originator; and

(3) Through the originator's initial written communication with a consumer, if any.

Appendix A to Subpart B of Part 365—Examples of Mortgage Loan Originator Activities

This Appendix provides examples to aid in the understanding of activities that would cause an employee of an insured state nonmember bank to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this subpart. For the purposes of the examples below, the term ''loan'' refers to a residential mortgage loan.

(a) *Taking a loan application:* The following examples illustrate when an employee takes or does not take, a loan application.

(1) Taking an application includes: Receiving information that is sufficient to determine whether the consumer qualifies for a loan, even if the employee has had no contact with the consumer and is not responsible for further verification of information.

(2) Taking an application does not include any of the following activities performed solely or in combination:

(i) Contacting a consumer to verify the information in the loan application by obtaining documentation, such as tax returns or payroll receipts;

(ii) Receiving a loan application through the mail and forwarding it, without review, to loan approval personnel; or

(iii) Assisting a consumer who is filling out an application by clarifying what type of information is necessary for the application or otherwise explaining the loan application process in response to consumer inquiries.

(b) *Offering or negotiating terms of a loan:* The following examples are designed to illustrate when an employee offers or negotiates terms of a loan, and conversely, what does not constitute offering or negotiating terms of a loan.

(1) Offering or negotiating the terms of a loan includes:

(i) Presenting a loan offer to a consumer for acceptance, either verbally or in writing, even if further verification of information is necessary and the offer is conditional; or

(ii) Responding to a consumer's request for a lower rate or lower points on a pending loan application by presenting to the consumer a revised loan offer, either verbally or in writing, that includes a lower interest rate or lower points than the original offer.

(2) Offering or negotiating terms of a loan does not include solely or in combination:

(i) Providing general explanations in response to consumer queries regarding qualification for a specific loan product, such as explaining loan terminology (*i.e.,* debt-to-income ratio) or lending policies (*i.e.,* the loan-to-value ratio policy of the insured state nonmember bank);

(ii) In response to a consumer's request, informing a consumer of the loan rates that are publicly available such as on the insured state nonmember bank's Web site for specific types of loan products without communicating to the consumer whether qualifications are met for that loan product;

(iii) Collecting information about a consumer in order to provide the consumer with information on loan products for which the consumer generally may qualify, without presenting a specific loan offer to the consumer for acceptance, either verbally or in writing;

(iv) Arranging the loan closing or other aspects of the loan process, including communicating with a consumer about those arrangements, provided that communication with the consumer only verifies loan terms already offered or negotiated; or

(v) Providing a consumer with information unrelated to loan terms, such as the best days of the month for scheduling loan closings at the bank.

(c) The following examples illustrate when an employee does or does not offer or negotiate terms of a loan ''for compensation or gain.''

(1) Offering or negotiating terms of a loan for compensation or gain includes engaging in any of the activities in paragraph (b)(1) of this Appendix in the course of carrying out employment duties, even if the employee does not receive a referral fee or commission or other special compensation for the loan.

(2) Offering or negotiating terms of a loan for compensation or gain does not include engaging in a seller-financed transaction for the employee's personal property that does not involve the insured state nonmember bank.

Office of Thrift Supervision

12 CFR Chapter V

Authority and Issuance

For the reasons set forth in the preamble, chapter V of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 563—SAVINGS ASSOCIATIONS—OPERATIONS

1. The authority citation for part 563 is revised to read as follows:

Authority: 12 U.S.C. 375b, 1462, 1462a, 1463, 1464, 1467a, 1468, 1817, 1820, 1828, 1831o, 3806, 5101 *et seq.;* 31 U.S.C. 5318; 42 U.S.C. 4106.

2. Add Subpart D to part 563 to read as follows:

Subpart D—Registration of Residential Mortgage Loan Originators

Sec.
563.101 Authority, purpose, and scope.
563.102 Definitions.
563.103 Registration of mortgage loan originators.
563.104 Policies and procedures.
563.105 Use of unique identifier.
Appendix A to Subpart D of Part 563—Examples of Mortgage Loan Originator Activities.

Subpart D—Registration of Residential Mortgage Loan Originators

§ 563.101 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, title V of the Housing and Economic Recovery Act of 2008 (S.A.F.E. Act) (Pub. L. 110–289, 122 Stat. 2654, 12 U.S.C. 5101 *et seq.*).

(b) *Purpose.* This subpart implements the S.A.F.E. Act's Federal registration requirement for mortgage loan originators. The S.A.F.E. Act provides that the objectives of this registration include aggregating and improving the flow of information to and between regulators; providing increased accountability and tracking of mortgage loan originators; enhancing consumer protections; reducing fraud in the residential mortgage loan origination process; and providing consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.

(c) *Scope*—(1) *In general.* This subpart applies to savings associations and their operating subsidiaries (collectively referred to in this subpart as savings associations), and their employees who act as mortgage loan originators.

(2) *Exception.* (i) This subpart and the requirements of section 1504(a)(1)(A) and (2) of the S.A.F.E. Act do not apply to any employee of a savings association if during the past 12 months:

(A) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and

(B) The savings association does not employ mortgage loan originators who, while excepted from registration pursuant to paragraph (c)(2)(i)(A) of this section, in the aggregate, acted as a mortgage loan originator in connection with more than 25 residential mortgage loans.

(ii) Prior to engaging in mortgage loan origination activity that exceeds either the individual or the aggregate exception limit, a savings association employee must register with the Registry pursuant to this subpart.

§ 563.102 Definitions.

For purposes of this subpart D, the following definitions apply:

(a) *Annual renewal period* means November 1 through December 31 of each year.

(b)(1) *Mortgage loan originator* [1] means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) The term *mortgage loan originator* does not include:

(i) An individual who performs purely administrative or clerical tasks on behalf of an individual who is described in paragraph (b)(1) of this section;

(ii) An individual who only performs real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) and is licensed or registered as a real estate broker in accordance with applicable State law, unless the individual is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator in paragraph (b)(1) of this section; or

(iii) An individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(3) *Administrative or clerical tasks* means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(c) *Nationwide Mortgage Licensing System and Registry* or *Registry* means the system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed mortgage loan originators and the registration of mortgage loan originators pursuant to section 1507 of the S.A.F.E. Act.

[1] The Appendix to this subpart provides examples of activities that would, and would not, cause an employee to fall within this section's definition of mortgage loan originator.

(d) *Registered mortgage loan originator* or *registrant* means any individual who:

(1) Meets the definition of mortgage loan originator and is an employee of a savings association; and

(2) Is registered pursuant to this subpart with, and maintains a unique identifier through, the Registry.

(e) *Residential mortgage loan* means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling, and includes refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans that meet the qualifications listed in this definition.

(f) *Unique identifier* means a number or other identifier that:

(1) Permanently identifies a registered mortgage loan originator;

(2) Is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry, the Federal banking agencies, and the Farm Credit Administration to facilitate:

(i) Electronic tracking of mortgage loan originators; and

(ii) Uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators; and

(3) Must not be used for purposes other than those set forth under the S.A.F.E. Act.

§ 563.103 Registration of mortgage loan originators.

(a) *Registration requirement*—(1) *Employee registration.* Each employee of a savings association who acts as a mortgage loan originator must register with the Registry, obtain a unique identifier, and maintain this registration in accordance with the requirements of this subpart. Any such employee who is not in compliance with the registration and unique identifier requirements set forth in this subpart is in violation of the S.A.F.E. Act and this subpart.

(2) *Savings association requirement*—(i) *In general.* A savings association that employs one or more individuals who act as a residential mortgage loan originator must require each employee who is a mortgage loan originator to register with the Registry, maintain this registration, and obtain a unique identifier in accordance with the requirements of this subpart.

(ii) *Prohibition.* A savings association must not permit an employee of the association who is subject to the registration requirements of this subpart to act as a mortgage loan originator unless such employee is registered with the Registry pursuant to this subpart.

(3) *Implementation period for initial registration.* An employee of a savings association who is a mortgage loan originator must complete an initial registration with the Registry pursuant to this subpart within 180 days from the date that the OTS provides public notice that the Registry is accepting registrations.

(4) *Employees previously registered or licensed through the Registry*—(i) *In general.* If an employee of a savings association was registered or licensed through, and obtained a unique identifier from, the Registry prior to becoming an employee of the association and has maintained this registration or license, the registration requirements of the S.A.F.E. Act and this subpart are deemed to be met, provided that:

(A) The employment information in paragraphs (d)(1)(i)(C) and (d)(1)(ii) of this section is updated and the requirements of paragraph (d)(2) of this section are met;

(B) New fingerprints of the employee are submitted to the Registry for a background check, as required by paragraph (d)(1)(xii);

(C) The savings association information required in paragraphs (e)(1)(i) (to the extent the association has not previously met these requirements) and (e)(2)(i) of this section is submitted to the Registry; and

(D) The registration is maintained pursuant to paragraphs (b) and (e)(1)(ii) of this section, as of the date that the employee is employed by the association.

(ii) *Implementation period for certain acquisitions, mergers or reorganizations.* When registered or licensed mortgage loan originators become savings association employees as a result of an acquisition, merger or reorganization transaction, the association and employees must comply with the requirements of paragraphs (a)(4)(i)(A), (C), and (D) of this section within 60 days from the effective date of the acquisition, merger, or reorganization.

(b) *Maintaining registration.* (1) A mortgage loan originator who is registered with the Registry pursuant to paragraph (a) of this section must:

(i) Renew the registration during the annual renewal period, confirming the responses set forth in paragraphs (d)(1)(i) through (xi) of this section remain accurate and complete, and updating this information, as appropriate; and

(ii) Update the registration within 30 days of any of the following events:

(A) A change in the name of the registrant;

(B) The registrant ceases to be an employee of the savings association; or

(C) The information required under paragraphs (d)(1)(iii) through (xi) of this section becomes inaccurate, incomplete, or out-of-date.

(2) A registered mortgage loan originator must maintain his or her registration, notwithstanding the originator's subsequent qualification for the exception set forth in § 563.101(c)(2), unless the individual is no longer engaged in the activity of a mortgage loan originator.

(c) *Effective dates*—(1) *Initial registration.* An initial registration pursuant to paragraph (a) of this section is effective on the date the registrant receives notification from the Registry that all information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

(2) *Renewals or updates.* A renewal or update pursuant to paragraph (b) of this section is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) and of this section has been submitted and the renewal or update is complete.

(d) *Required employee information*—(1) *In general.* For purposes of the registration required by this section, a savings association must require each employee who is a mortgage loan originator to submit to the Registry, or must submit on behalf of the employee, the following categories of information to the extent this information is collected by the Registry:

(i) Identifying information, including the employee's:

(A) Name and any other names used;

(B) Home address;

(C) Address of the employee's principal business location and business contact information;

(D) Social security number;

(E) Gender; and

(F) Date and place of birth;

(ii) Financial services-related employment history for the 10 years prior to the date of registration or renewal, including the date the employee became an employee of the association;

(iii) Financial information for the 10 years prior to the date of registration or renewal constituting a history of any personal bankruptcy; business bankruptcy based upon events that occurred while the employee exercised control over an organization; denied, paid out, or revoked bonds; or

unsatisfied judgments or liens against the employee;

(iv) Felony convictions or other final criminal actions involving a felony against the employee or organizations controlled by the employee; or misdemeanor convictions or other final misdemeanor actions against the employee or organizations controlled by the employee involving financial services, a financial services-related business, dishonesty, or breach of trust;

(v) Civil judicial actions against the employee in connection with financial services-related activities, dismissals with settlements, judicial findings that the employee violated financial services-related statutes or regulations, except for actions dismissed without a settlement agreement;

(vi) Actions or orders by a State or Federal regulatory agency or foreign financial regulatory authority that:

(A) Found the employee to have made a false statement or omission or been dishonest, unfair or unethical; to have been involved in a violation of a financial services-related regulation or statute; or to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted;

(B) Are entered against the employee in connection with a financial services-related activity;

(C) Denied, suspended, or revoked the employee's registration or license to engage in a financial services-related activity; disciplined the employee or otherwise by order prevented the employee from associating with a financial services-related business or restricted the employee's activities; or

(D) Barred the employee from association with an entity regulated by the agency or authority or from engaging in a financial services-related business;

(vii) Final orders issued by a State or Federal regulatory agency or foreign financial regulatory authority based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;

(viii) Revocation or suspension of the employee's authorization to act as an attorney, accountant, or State or Federal contractor;

(ix) Customer-initiated financial services-related arbitration or civil action against the employee that required action, including settlements;

(x) Disclosure of any voluntary or involuntary employment terminations resulting from allegations accusing the employee of violating a statute, regulation, or industry standard of conduct; fraud; dishonesty; theft; or the wrongful taking of property;

(xi) Any pending actions against the employee that could result in an action listed in paragraphs (d)(1)(iii) through (ix) of this section; and

(xii) Fingerprints of the employee, in digital form if practicable, collected by the employing savings association less than three years prior to registration and any appropriate identifying information for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information in connection with a State and national criminal history background check;

(2) *Employee authorization and attestation.* An employee registering as a mortgage loan originator or renewing his or her registration under this subpart must:

(i) Authorize the Registry and the employing institution to obtain information related to any administrative, civil or criminal findings, to which the employee is a party, made by any governmental jurisdiction;

(ii) Attest to the correctness of all information required by paragraph (d) of this section, whether submitted by the employee or on behalf of the employee by the employing savings association; and

(iii) Authorize the Registry to make available to the public information required by paragraphs (d)(1)(i)(A) and (C), (d)(1)(ii), (iv), (v), (vi), (vii), (viii), (ix), and (xi) of this section.

(e) *Required savings association information.* A savings association must submit the following information to the Registry.

(1) *Savings association record.* (i) In connection with the initial registration of one or more mortgage loan originators:

(A) Name and main office address;

(B) Internal Revenue Service Employer Tax Identification Number (EIN);

(C) Research Statistics Supervision and Discount (RSSD) number, as issued by the Board of Governors of the Federal Reserve System;

(D) Identification of its primary Federal regulator;

(E) Name(s) and contact information of the individual(s) with authority to act as the savings association's primary point of contact for the Registry;

(F) Name(s) and contact information of the individual(s) with authority to enter data required in paragraph (e) of this section on the Registry and who may delegate this authority to other savings association employees, provided this individual and any delegated employee does not act as a mortgage loan originator;

(G) If an operating subsidiary of a savings association, indication that it is a subsidiary and the name of its parent savings association.

(ii) A savings association must update the information required by this paragraph (e) within 30 days of the date that this information becomes inaccurate.

(2) *Employee information.* In connection with the registration of each employee who acts as a mortgage loan originator:

(i) After the information required by paragraph (d) of this section has been submitted to the Registry, confirmation that it employs the registrant; and

(ii) Within 30 days of the date the registrant ceases to be an employee of the savings association, notification that it no longer employs the registrant and the date the registrant ceased being an employee.

§ 563.104 Policies and procedures.

A savings association that employs mortgage loan originators must adopt and follow written policies and procedures designed to assure compliance with this subpart. These policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the savings association. At a minimum, these policies and procedures must:

(a) Establish a process for identifying which employees of the savings association are required to be registered mortgage loan originators;

(b) Require that all employees of the savings association who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this subpart and be instructed on how to comply with such requirements and procedures;

(c) Establish procedures to comply with the unique identifier requirements in § 563.105;

(d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;

(e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;

(f) Provide for independent testing for compliance with this subpart to be conducted by savings association personnel or by an outside party;

(g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this subpart, or the savings association's related policies and procedures,

including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions; and

(h) Establish a process for reviewing employee criminal history background reports received from the Registry in connection with § 563.103(d)(1)(xii) of this section, taking appropriate action consistent with applicable law and rules with respect to these reports, and for maintaining records of these reports and actions taken with respect to applicable employees.

§ 563.105 Use of unique identifier.

(a) The savings association shall make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution.

(b) A registered mortgage loan originator shall provide his or her unique identifier to a consumer:

(1) Upon request;

(2) Before acting as a mortgage loan originator; and

(3) Through the originator's initial written communication with a consumer, if any.

Appendix A to Subpart D of Part 563—Examples of Mortgage Loan Originator Activities

This Appendix provides examples to aid in the understanding of activities that would cause an employee of a savings association to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this subpart. For the purposes of the examples below, the term ''loan'' refers to a residential mortgage loan.

(a) *Taking a loan application:* The following examples illustrate when an employee takes or does not take, a loan application.

(1) Taking an application includes: receiving information that is sufficient to determine whether the consumer qualifies for a loan, even if the employee has had no contact with the consumer and is not responsible for further verification of information.

(2) Taking an application does not include any of the following activities performed solely or in combination:

(i) Contacting a consumer to verify the information in the loan application by obtaining documentation, such as tax returns or payroll receipts;

(ii) Receiving a loan application through the mail and forwarding it, without review, to loan approval personnel; or

(iii) Assisting a consumer who is filling out an application by clarifying what type of information is necessary for the application or otherwise explaining the loan application process in response to consumer inquiries.

(b) *Offering or negotiating terms of a loan:* The following examples are designed to illustrate when an employee offers or negotiates terms of a loan, and conversely, what does not constitute offering or negotiating terms of a loan.

(1) Offering or negotiating the terms of a loan includes:

(i) Presenting a loan offer to a consumer for acceptance, either verbally or in writing, even if further verification of information is necessary and the offer is conditional; or

(ii) Responding to a consumer's request for a lower rate or lower points on a pending loan application by presenting to the consumer a revised loan offer, either verbally or in writing, that includes a lower interest rate or lower points than the original offer.

(2) Offering or negotiating terms of a loan does not include solely or in combination:

(i) Providing general explanations in response to consumer queries regarding qualification for a specific loan product, such as explaining loan terminology (*i.e.,* debt-to-income ratio) or lending policies (*i.e.,* the loan-to-value ratio policy of the savings association);

(ii) In response to a consumer's request, informing a consumer of the loan rates that are publicly available such as on the savings association's Web site for specific types of loan products without communicating to the consumer whether qualifications are met for that loan product;

(iii) Collecting information about a consumer in order to provide the consumer with information on loan products for which the consumer generally may qualify, without presenting a specific loan offer to the consumer for acceptance, either verbally or in writing;

(iv) Arranging the loan closing or other aspects of the loan process, including communicating with a consumer about those arrangements, provided that communication with the consumer only verifies loan terms already offered or negotiated; or

(v) Providing a consumer with information unrelated to loan terms, such as the best days of the month for scheduling loan closings at the savings association.

(c) The following examples illustrate when an employee does or does not offer or negotiate terms of a loan ''for compensation or gain.''

(1) Offering or negotiating terms of a loan for compensation or gain includes engaging in any of the activities in paragraph (b)(1) of this Appendix in the course of carrying out employment duties, even if the employee does not receive a referral fee or commission or other special compensation for the loan.

(2) Offering or negotiating terms of a loan for compensation or gain does not include engaging in a seller-financed transaction for the employee's personal property that does not involve the savings association.

Farm Credit Administration

12 CFR Chapter VI

Authority and Issuance

For the reasons set forth in the preamble, chapter VI of title 12 of the Code of Federal Regulations is proposed to be amended by adding new part 610 to chapter VI to read as follows:

PART 610—REGISTRATION OF MORTGAGE LOAN ORIGINATORS

Sec.
610.101 Authority, purpose, and scope.
610.102 Definitions.
610.103 Registration of mortgage loan originators.
610.104 Policies and procedures.
610.105 Use of unique identifier.
Appendix A to Part 610—Examples of Mortgage Loan Originator Activities

Authority: Secs. 1.5, 1.7, 1.9, 1.10, 1.11, 1.13, 2.2, 2.4, 2.12, 5.9, 5.17, 7.2, 7.6, 7.8 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2017, 2018, 2019, 2021, 2073, 2075, 2093, 2243, 2252, 2279a–2, 2279b, 2279c–10); and Secs. 1501 *et seq.* of the S.A.F.E. Act (12 U.S.C. 5101 *et seq.*)

§ 610.101 Authority, purpose, and scope.

(a) *Authority.* This part is issued pursuant to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, title V of the Housing and Economic Recovery Act of 2008 (S.A.F.E. Act) (Pub. L. 110–289, 122 Stat. 2654 (2008), 12 U.S.C. 5101 *et seq.*).

(b) *Purpose.* This part implements the S.A.F.E. Act's Federal registration requirement for mortgage loan originators. The S.A.F.E. Act provides that the objectives of this registration include aggregating and improving the flow of information to and between regulators; providing increased accountability and tracking of mortgage loan originators; enhancing consumer protections; reducing fraud in the residential mortgage loan origination process; and providing consumers with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.

(c) *Scope*—(1) *In general.* This part applies to any Farm Credit System lending institution that actually originates residential mortgage loans pursuant to its authority under sections 1.9(3), 1.11, or 2.4(a) and (b) of the Farm Credit Act of 1971, as amended, and their employees who act as mortgage loan originators.

(2) *Exception.* (i) This part and the requirements of sections 1504(a)(1)(A) and (2) of the S.A.F.E. Act do not apply to any employee of a Farm Credit System institution if during the past 12 months:

(A) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and

(B) The Farm Credit System institution employs mortgage loan originators who, while excepted from registration pursuant to paragraph (c)(2)(i)(A) of this section, in the

aggregate, acted as a mortgage loan originator in connection with 25 or fewer residential mortgage loans.

(ii) Prior to engaging in mortgage loan origination activity that exceeds either the individual or the aggregate exception limit, a Farm Credit System institution employee must register with the Registry pursuant to this part.

§ 610.102 Definitions.

For purposes of this part, the following definitions apply:

(a) *Annual renewal period* means November 1 through December 31 of each year.

(b)(1) *Mortgage loan originator*[1] means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) The term *mortgage loan originator* does not include:

(i) An individual who performs purely administrative or clerical tasks on behalf of an individual who is described in paragraph (b)(1) of this section;

(ii) An individual who only performs real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) and is licensed or registered as a real estate broker in accordance with applicable State law, unless the individual is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator in paragraph (b)(1) of this section; or

(iii) An individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(3) *Administrative or clerical tasks* means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(c) *Nationwide Mortgage Licensing System and Registry* or *Registry* means the system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed mortgage loan originators and the registration of mortgage loan originators pursuant to section 1507 of the S.A.F.E. Act.

(d) *Registered mortgage loan originator* or *registrant* means any individual who:

(1) Meets the definition of mortgage loan originator and is an employee of a Farm Credit System institution; and

(2) Is registered pursuant to this part with, and maintains a unique identifier through, the Registry.

(e) *Residential mortgage loan* means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act, 15 U.S.C. 1602(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling, and includes refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans that meet the qualifications listed in this definition. This definition does not amend or supersede § 613.3030(c) of this chapter.

(f) *Unique identifier* means a number or other identifier that:

(1) Permanently identifies a registered mortgage loan originator;

(2) Is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry, the Federal banking agencies, and the Farm Credit Administration to facilitate:

(i) Electronic tracking of mortgage loan originators; and

(ii) Uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators; and

(3) Must not be used for purposes other than those set forth under the S.A.F.E. Act.

§ 610.103 Registration of mortgage loan originators.

(a) *Registration requirement*—(1) *Employee registration.* Each employee of a Farm Credit System institution who acts as a mortgage loan originator must register with the Registry, obtain a unique identifier, and maintain this registration in accordance with the requirements of this part. Any such employee who is not in compliance with the registration and unique identifier requirements set forth in this part is in violation of the S.A.F.E. Act and this part.

(2) *Farm Credit System institution requirement*—(i) *In general.* A Farm Credit System institution that employs one or more individuals who act as a residential mortgage loan originator must require each employee who is a mortgage loan originator to register with the Registry, maintain this registration, and obtain a unique identifier in accordance with the requirements of this part.

(ii) *Prohibition.* A Farm Credit System institution must not permit an employee who is subject to the registration requirements of this part to act as a mortgage loan originator unless such employee is registered with the Registry pursuant to this part.

(3) *Implementation period for initial registration.* An employee of a Farm Credit System institution who is a mortgage loan originator must complete an initial registration with the Registry pursuant to this part within 180 days from the date that the Farm Credit Administration provides public notice that the Registry is accepting registrations.

(4) *Employees previously registered or licensed through the Registry*—(i) *In general.* If an employee of a Farm Credit System institution was registered or licensed through, and obtained a unique identifier from, the Registry prior to becoming an employee of the Farm Credit System institution and has maintained this registration or license, the registration requirements of the S.A.F.E. Act and this part are deemed to be met, provided that:

(A) The employment information in paragraphs (d)(1)(i)(C) and (d)(1)(ii) of this section is updated and the requirements of paragraph (d)(2) of this section are met;

(B) New fingerprints of the employee are submitted to the Registry for a background check, as required by paragraph (d)(1)(xii) of this section;

(C) The Farm Credit System institution information required in paragraphs (e)(1)(i) (to the extent the Farm Credit System institution has not previously met these requirements) and (e)(2)(i) of this section is submitted to the Registry; and

(D) The registration is maintained pursuant to paragraphs (b) and (e)(1)(ii) of this section, as of the date that the employee is employed by the Farm Credit System institution.

(ii) *Implementation period for certain acquisitions, mergers or reorganizations.* When registered or licensed mortgage loan originators become employees of another Farm Credit System institution as a result of a consolidation, merger or reorganization transaction, the Farm Credit System institution and employee must comply with the requirements of paragraphs (a)(4)(i)(A), (C), and (D) of this section within 60 days from the effective date of the consolidation, merger, or reorganization.

[1] The Appendix to this part provides examples of activities that would, and would not, cause an employee to fall within this section's definition of mortgage loan originator.

(b) *Maintaining registration.* (1) A mortgage loan originator who is registered with the Registry pursuant to paragraph (a) of this section must:

(i) Renew the registration during the annual renewal period, confirming the responses set forth in paragraphs (d)(1)(i) through (xi) of this section remain accurate and complete, and updating this information, as appropriate; and

(ii) Update the registration within 30 days of any of the following events:

(A) A change in the name of the registrant;

(B) The registrant ceases to be an employee of the Farm Credit System institution; or

(C) The information required under paragraphs (d)(1)(iii) through (xi) of this section becomes inaccurate, incomplete, or out-of-date.

(2) A registered mortgage loan originator must maintain his or her registration, notwithstanding the originator's subsequent qualification for the exception set forth in § 610.101(c)(2), unless the individual is no longer engaged in the activity of a mortgage loan originator.

(c) *Effective dates*—(1) *Initial registration.* An initial registration pursuant to paragraph (a) of this section is effective on the date the registrant receives notification from the Registry that all information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

(2) *Renewals or updates.* A renewal or update pursuant to paragraph (b) of this section is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) of this section has been submitted and the renewal or update is complete.

(d) *Required employee information*—(1) *In general.* For purposes of the registration required by this section, a Farm Credit System institution must require each employee who is a mortgage loan originator to submit to the Registry, or must submit on behalf of the employee, the following categories of information to the extent this information is collected by the Registry:

(i) Identifying information, including the employee's:

(A) Name and any other names used;

(B) Home address;

(C) Address of the employee's principal business location and business contact information;

(D) Social security number;

(E) Gender; and

(F) Date and place of birth;

(ii) Financial services-related employment history for the 10 years prior to the date of registration or renewal, including the date the employee became an employee of the Farm Credit System institution;

(iii) Financial information for the 10 years prior to the date of registration or renewal constituting a history of any personal bankruptcy; business bankruptcy based upon events that occurred while the employee exercised control over an organization; denied, paid out, or revoked bonds; or unsatisfied judgments or liens against the employee;

(iv) Felony convictions or other final criminal actions involving a felony against the employee or organizations controlled by the employee; or misdemeanor convictions or other final misdemeanor actions against the employee or organizations controlled by the employee involving financial services, a financial services-related business, dishonesty, or breach of trust;

(v) Civil judicial actions against the employee in connection with financial services-related activities, dismissals with settlements, judicial findings that the employee violated financial services-related statutes or regulations, except for actions dismissed without a settlement agreement;

(vi) Actions or orders by a State or Federal regulatory agency or foreign financial regulatory authority that:

(A) Found the employee to have made a false statement or omission or been dishonest, unfair or unethical; to have been involved in a violation of a financial services-related regulation or statute; or to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted;

(B) Are entered against the employee in connection with a financial services-related activity;

(C) Denied, suspended, or revoked the employee's registration or license to engage in a financial services-related activity; disciplined the employee or otherwise by order prevented the employee from associating with a financial services-related business or restricted the employee's activities; or

(D) Barred the employee from association with an entity regulated by the agency or authority or from engaging in a financial services-related business;

(vii) Final orders issued by a State or Federal regulatory agency or foreign financial regulatory authority based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;

(viii) Revocation or suspension of the employee's authorization to act as an attorney, accountant, or State or Federal contractor;

(ix) Customer-initiated financial services-related arbitration or civil action against the employee that required action, including settlements;

(x) Disclosure of any voluntary or involuntary employment terminations resulting from allegations accusing the employee of violating a statute, regulation, or industry standard of conduct; fraud; dishonesty; theft; or the wrongful taking of property;

(xi) Any pending actions against the employee that could result in an action listed in paragraphs (d)(1)(iii) through (ix) of this section; and

(xii) Fingerprints of the employee, in digital form if practicable, collected by the employing institution less than three years prior to registration and any appropriate identifying information for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information in connection with a State and national criminal history background check.

(2) *Employee authorization and attestation.* An employee registering as a mortgage loan originator or renewing his or her registration under this part must:

(i) Authorize the Registry and the employing institution to obtain information related to any administrative, civil or criminal findings, to which the employee is a party, made by any governmental jurisdiction;

(ii) Attest to the correctness of all information required by paragraph (d) of this section, whether submitted by the employee or on behalf of the employee by the employing Farm Credit System institution; and

(iii) Authorize the Registry to make available to the public information required by paragraphs (d)(1)(i)(A) and (C), (d)(1)(ii), (iv)–(ix) and (xi) of this section.

(e) *Required information.* A Farm Credit System institution must submit the following information to the Registry.

(1) *Farm Credit System institution record.* (i) In connection with the initial registration of one or more mortgage loan originators:

(A) Name and main office address;

(B) Internal Revenue Service Employer Tax Identification Number (EIN);

(C) Research Statistics Supervision and Discount (RSSD) number, as issued by the Board of Governors of the Federal Reserve System;

(D) Identification of its primary Federal regulator;

(E) Name(s) and contact information of the individual(s) with authority to act as the Farm Credit System institution's primary point of contact for the Registry;

(F) Name(s) and contact information of the individual(s) with authority to enter data required in paragraph (e) of this section on the Registry and who may delegate this authority to other employees of the Farm Credit System institution, provided this individual and any delegated employee does not act as a mortgage loan originator; and

(G) If an operating subsidiary of an agricultural credit association, indication that it is a subsidiary and the name of its parent agricultural credit association.

(ii) A Farm Credit System institution must update the information required by this paragraph (e) within 30 days of the date that this information becomes inaccurate.

(2) *Employee information.* In connection with the registration of each employee who acts as a mortgage loan originator:

(i) After the information required by paragraph (d) of this section has been submitted to the Registry, confirmation that it employs the registrant; and

(ii) Within 30 days of the date the registrant ceases to be an employee of the Farm Credit System institution, notification that it no longer employs the registrant and the date the registrant ceased being an employee.

§ 610.104 Policies and procedures.

A Farm Credit System institution that employs mortgage loan originators must adopt and follow written policies and procedures designed to assure compliance with this part. These policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the Farm Credit System institution. At a minimum, these policies and procedures must:

(a) Establish a process for identifying which employees of the Farm Credit System institution are required to be registered mortgage loan originators;

(b) Require that all employees of the Farm Credit System institution who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this part and be instructed on how to comply with such requirements and procedures;

(c) Establish procedures to comply with the unique identifier requirements in § 610.105;

(d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;

(e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;

(f) Provide for independent testing for compliance with this part to be conducted by Farm Credit System institution personnel or by an outside party;

(g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this part, or the Farm Credit System institution's related policies and procedures, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions; and

(h) Establish a process for reviewing employee criminal history background reports received from the Registry in connection with § 610.103(d)(1)(xii), taking appropriate action consistent with applicable law and rules with respect to these reports, and for maintaining records of these reports and actions taken with respect to applicable employees.

§ 610.105 Use of unique identifier.

(a) The Farm Credit System institution shall make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution.

(b) A registered mortgage loan originator shall provide his or her unique identifier to a consumer:

(1) Upon request;

(2) Before acting as a mortgage loan originator; and

(3) Through the originator's initial written communication with a consumer, if any.

Appendix A to Part 610—Examples of Mortgage Loan Originator Activities

This Appendix provides examples to aid in the understanding of activities that would cause an employee of a Farm Credit System institution to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this part. For the purposes of the examples below, the term ''loan'' refers to a residential mortgage loan.

(a) *Taking a loan application:* The following examples illustrate when an employee takes or does not take, a loan application.

(1) Taking an application includes: receiving information that is sufficient to determine whether the consumer qualifies for a loan, even if the employee has had no contact with the consumer and is not responsible for further verification of information.

(2) Taking an application does not include any of the following activities performed solely or in combination:

(i) Contacting a consumer to verify the information in the loan application by obtaining documentation, such as tax returns or payroll receipts;

(ii) Receiving a loan application through the mail and forwarding it, without review, to loan approval personnel; or

(iii) Assisting a consumer who is filling out an application by clarifying what type of information is necessary for the application or otherwise explaining the loan application process in response to consumer inquiries.

(b) *Offering or negotiating terms of a loan:* The following examples are designed to illustrate when an employee offers or negotiates terms of a loan, and conversely, what does not constitute offering or negotiating terms of a loan.

(1) Offering or negotiating the terms of a loan includes:

(i) Presenting a loan offer to a consumer for acceptance, either verbally or in writing, even if further verification of information is necessary and the offer is conditional; or

(ii) Responding to a consumer's request for a lower rate or lower points on a pending loan application by presenting to the consumer a revised loan offer, either verbally or in writing, that includes a lower interest rate or lower points than the original offer.

(2) Offering or negotiating terms of a loan does not include solely or in combination:

(i) Providing general explanations in response to consumer queries regarding qualification for a specific loan product, such as explaining loan terminology (*i.e.,* debt-to-income ratio) or lending policies (*i.e.,* the loan-to-value ratio policy of the Farm Credit System institution);

(ii) In response to a consumer's request, informing a consumer of the loan rates that are publicly available such as on the Farm Credit System institution's Web site for specific types of loan products without communicating to the consumer whether qualifications are met for that loan product;

(iii) Collecting information about a consumer in order to provide the consumer with information on loan products for which the consumer generally may qualify, without presenting a specific loan offer to the consumer for acceptance, either verbally or in writing;

(iv) Arranging the loan closing or other aspects of the loan process, including communicating with a consumer about those arrangements, provided that communication with the consumer only verifies loan terms already offered or negotiated; or

(v) Providing a consumer with information unrelated to loan terms, such as the best days of the month for scheduling loan closings at the Farm Credit System institution.

(c) The following examples illustrate when an employee does or does not offer or negotiate terms of a loan ''for compensation or gain.''

(1) Offering or negotiating terms of a loan for compensation or gain includes engaging in any of the activities in paragraph (b)(1) of this Appendix in the course of carrying out

employment duties, even if the employee does not receive a referral fee or commission or other special compensation for the loan.

(2) Offering or negotiating terms of a loan for compensation or gain does not include engaging in a seller-financed transaction for the employee's personal property that does not involve the Farm Credit System institution.

National Credit Union Administration

12 CFR Chapter VII

Authority and Issuance

For the reasons stated in the preamble, the National Credit Union Administration proposes to amend chapter VII of title 12 of the Code of Federal Regulations to add a new part 761 as follows:

PART 761—REGISTRATION OF RESIDENTIAL MORTGAGE LOAN ORIGINATORS

Sec.
761.101 Authority, purpose, and scope.
761.102 Definitions.
761.103 Registration of mortgage loan originators.
761.104 Policies and procedures.
761.105 Use of unique identifier.
Appendix A to Part 761—Examples of Mortgage Loan Originator Activities.

Authority: 12 U.S.C. 1751 *et seq.* and 5101 *et seq.*

§ 761.101 Authority, purpose, and scope.

(a) *Authority.* The National Credit Union Administration is issuing part 761 under the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, title V of the Housing and Economic Recovery Act of 2008 (S.A.F.E. Act) (Pub. L. 110–289, 122 Stat. 2654, 12 U.S.C. 5101 *et seq.*).

(b) *Purpose.* This part implements the S.A.F.E. Act's federal registration requirement for mortgage loan originators. The S.A.F.E. Act provides that the objectives of this registration include aggregating and improving the flow of information to and between regulators; providing increased accountability and tracking of loan originators; enhancing member protections; reducing fraud in the residential mortgage loan origination process; and providing members with easily accessible information at no charge regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(c) *Scope*—(1) *In general.* This part applies to federally insured credit unions and their employees who act as mortgage loan originators.

(2) *Exception.* (i) This part and the requirements of section 1504(a)(1)(A) and (2) of the S.A.F.E. Act do not apply to any employee of a federally insured credit union if during the past 12 months:

(A) The employee acted as a mortgage loan originator for 5 or fewer residential mortgage loans; and

(B) The credit union employs mortgage loan originators who, while excepted from registration under paragraph (c)(2)(i)(A) of this section, in the aggregate, acted as a mortgage loan originator in connection with 25 or fewer residential mortgage loans.

(ii) Prior to engaging in mortgage loan origination activity that exceeds either the individual or the aggregate exception limit, a credit union employee must register with the Registry under this part.

§ 761.102 Definitions.

For purposes of this part, the following definitions apply:

(a) *Annual renewal period* means November 1 through December 31 of each year.

(b)(1) *Mortgage loan originator*[1] means an individual who:

(i) Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain.

(2) The term *mortgage loan originator* does not include:

(i) An individual who performs purely administrative or clerical tasks on behalf of an individual who is described in paragraph (b)(1) of this section;

(ii) An individual who only performs real estate brokerage activities (as defined in section 1503(3)(D) of the S.A.F.E. Act) and is licensed or registered as a real estate broker in accordance with applicable state law, unless the individual is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and meets the definition of mortgage loan originator in paragraph (b)(1) of this section; or

(iii) An individual or entity solely involved in extensions of credit related to timeshare plans, as that term is defined in 11 U.S.C. 101(53D).

(3) *Administrative or clerical tasks* means the receipt, collection, and distribution of information common for the processing or underwriting of a residential mortgage loan and communication with a member to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(c) *Nationwide Mortgage Licensing System and Registry* or *Registry* means the system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the state licensing and registration of state-licensed mortgage loan originators and the registration of mortgage loan originators under section 1507 of the S.A.F.E. Act.

(d) *Registered mortgage loan originator* or *registrant* means any individual who:

(1) Meets the definition of mortgage loan originator and is a credit union employee; and

(2) Is registered under this part with, and maintains a unique identifier through, the Registry.

(e) *Residential mortgage loan* means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602(v))) or residential real estate upon which is constructed or intended to be constructed a dwelling, and includes refinancings, reverse mortgages, home equity lines of credit and other first and second lien loans that meet the qualifications listed in this definition.

(f) *Unique identifier* means a number or other identifier that:

(1) Permanently identifies a registered mortgage loan originator;

(2) Is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry, the Federal banking agencies, and the Farm Credit Administration to facilitate:

(i) Electronic tracking of mortgage loan originators; and

(ii) Uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against mortgage loan originators; and

(3) Must not be used for purposes other than those under the S.A.F.E. Act.

§ 761.103 Registration of mortgage loan originators.

(a) *Registration requirement*—(1) *Employee registration.* Each credit union employee who acts as a mortgage loan originator must register with the Registry, obtain a unique identifier, and maintain this registration in accordance with the requirements of this part. Any such employee who is not in compliance with the registration and unique identifier requirements in this part is in violation of the S.A.F.E. Act and this part.

[1] The Appendix to this part provides examples of activities that would, and would not, cause an employee to fall within this section's definition of mortgage loan originator.

(2) *Credit union requirement*—(i) *In general.* A credit union that employs one or more individuals who act as a residential mortgage loan originator must require each employee who is a mortgage loan originator to register with the Registry, maintain this registration, and obtain a unique identifier in accordance with the requirements of this part.

(ii) *Prohibition.* A credit union must not permit its employee who is subject to this part's registration requirements to act as a mortgage loan originator unless such employee is registered with the Registry under this part.

(3) *Implementation period for initial registration.* A credit union employee who is a mortgage loan originator must complete an initial registration with the Registry under this part within 180 days from the date that the National Credit Union Administration provides public notice that the Registry is accepting registrations.

(4) *Employees previously registered or licensed through the Registry*—(i) *In general.* If a credit union employee was registered or licensed through, and obtained a unique identifier from, the Registry prior to becoming a credit union employee and has maintained this registration or license, the registration requirements of the S.A.F.E. Act and this part are deemed to be met, provided that:

(A) The employment information in paragraphs (d)(1)(i)(C) and (d)(1)(ii) of this section is updated and the requirements of paragraph (d)(2) of this section are met;

(B) New fingerprints of the employee are submitted to the Registry for a background check, as required by paragraph (d)(1)(xii) of this section;

(C) The credit union information required in paragraphs (e)(1)(i) (to the extent the credit union has not previously met these requirements) and (e)(2)(i) of this section is submitted to the Registry; and

(D) The registration is maintained under paragraphs (b) and (e)(1)(ii) of this section, as of the date that the employee is employed by the credit union.

(ii) *Implementation period for certain acquisitions, mergers or reorganizations.* When registered or licensed mortgage loan originators become credit union employees as a result of an acquisition, merger or reorganization transaction, the credit union and employee must comply with the requirements of paragraphs (a)(4)(i)(A), (C), and (D) of this section within 60 days from the effective date of the acquisition, merger, or reorganization.

(b) *Maintaining registration.* (1) A mortgage loan originator who is registered with the Registry under paragraph (a) of this section must:

(i) Renew the registration during the annual renewal period, confirming the responses set forth in paragraphs (d)(1)(i) through (xi) of this section remain accurate and complete, and updating this information, as appropriate; and

(ii) Update the registration within 30 days of any of the following events:

(A) A change in the name of the registrant;

(B) The registrant ceases to be a credit union employee; or

(C) The information required under paragraphs (d)(1)(iii) through (xi) of this section becomes inaccurate, incomplete, or out of date.

(2) A registered mortgage loan originator must maintain his or her registration, notwithstanding the originator's subsequent qualification for the exception in § 761.101(c)(2), unless the individual is no longer engaged in the activity of a mortgage loan originator.

(c) *Effective dates*—(1) *Initial registration.* An initial registration under paragraph (a) of this section is effective on the date the registrant receives notification from the Registry that all information required by paragraphs (d) and (e) of this section has been submitted and the registration is complete.

(2) *Renewals or updates.* A renewal or update under paragraph (b) of this section is effective on the date the registrant receives notification from the Registry that all applicable information required by paragraphs (b) and (e) of this section has been submitted and the renewal or update is complete.

(d) *Required employee information*—(1) *In general.* For purposes of the registration required by this section, a credit union must require each employee who is a mortgage loan originator to submit to the Registry, or must submit on behalf of the employee, the following categories of information to the extent this information is collected by the Registry:

(i) Identifying information, including the employee's:

(A) Name and any other names used;

(B) Home address;

(C) Address of the employee's principal business location and business contact information;

(D) Social security number;

(E) Gender; and

(F) Date and place of birth;

(ii) Financial services-related employment history for the 10 years prior to the date of registration or renewal, including the date the employee became a credit union employee;

(iii) Financial information for the 10 years prior to the date of registration or renewal constituting a history of any personal bankruptcy; business bankruptcy based upon events that occurred while the employee exercised control over an organization; denied, paid out, or revoked bonds; or unsatisfied judgments or liens against the employee;

(iv) Felony convictions or other final criminal actions involving a felony against the employee or organizations controlled by the employee; or misdemeanor convictions or other final misdemeanor actions against the employee or organizations controlled by the employee involving financial services, a financial services-related business, dishonesty, or breach of trust;

(v) Civil judicial actions against the employee in connection with financial services-related activities, dismissals with settlements, judicial findings that the employee violated financial services-related statutes or regulations, except for actions dismissed without a settlement agreement;

(vi) Actions or orders by a state or federal regulatory agency or foreign financial regulatory authority that:

(A) Found the employee to have made a false statement or omission or been dishonest, unfair or unethical; to have been involved in a violation of a financial services-related regulation or statute; or to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted;

(B) Are entered against the employee in connection with a financial services-related activity;

(C) Denied, suspended, or revoked the employee's registration or license to engage in a financial services-related activity; disciplined the employee or otherwise by order prevented the employee from associating with a financial services-related business or restricted the employee's activities; or

(D) Barred the employee from association with an entity regulated by the agency or authority or from engaging in a financial services-related business;

(vii) Final orders issued by a state or federal regulatory agency or foreign financial regulatory authority based on violations of any law or regulation that prohibits fraudulent, manipulative or deceptive conduct;

(viii) Revocation or suspension of the employee's authorization to act as an attorney, accountant, or state or federal contractor;

(ix) Customer-initiated financial services-related arbitration or civil action against the employee that required action, including settlements;

(x) Disclosure of any voluntary or involuntary employment terminations resulting from allegations accusing the employee of violating a statute, regulation, or industry standard of conduct; fraud; dishonesty; theft; or the wrongful taking of property;

(xi) Any pending actions against the employee that could result in an action listed in paragraphs (d)(1)(iii) through (ix) of this section; and

(xii) Fingerprints of the employee, in digital form if practicable, collected by the employing credit union less than three years prior to registration and any appropriate identifying information for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information in connection with a state and national criminal history background check;

(2) *Employee authorization and attestation.* An employee registering as a mortgage loan originator or renewing his or her registration under this part must:

(i) Authorize the Registry and the employing credit union to obtain information related to any administrative, civil or criminal findings, to which the employee is a party, made by any governmental jurisdiction;

(ii) Attest to the correctness of all information required by paragraph (d) of this section, whether submitted by the employee or on behalf of the employee by the employing credit union; and

(iii) Authorize the Registry to make available to the public information required by paragraphs (d)(1)(i)(A) and (C), (d)(1)(ii), (iv)–(ix) and (xi) of this section.

(e) *Required credit union information.* A credit union must submit the following information to the Registry:

(1) *Credit union record.* (i) In connection with the initial registration of one or more mortgage loan originators:

(A) Name and main office address;

(B) Internal Revenue Service Employer Tax Identification Number (EIN);

(C) Research Statistics Supervision and Discount (RSSD) number, as issued by the Board of Governors of the Federal Reserve System;

(D) Identification of the National Credit Union Administration as its primary Federal regulator;

(E) Name(s) and contact information of the individual(s) with authority to act as the credit union's primary point of contact for the Registry;

(F) Name(s) and contact information of the individual(s) with authority to enter data required in paragraph (e) of this section on the Registry and who may delegate this authority to other credit union employees, provided this individual and any delegated employee does not act as a mortgage loan originator.

(ii) A credit union must update the information required by this paragraph (e) within 30 days of the date that this information becomes inaccurate.

(2) *Employee information.* In connection with the registration of each employee who acts as a mortgage loan originator:

(i) After the information required by paragraph (d) of this section has been submitted to the Registry, confirmation that it employs the registrant; and

(ii) Within 30 days of the date the registrant ceases to be a credit union employee, notification that it no longer employs the registrant and the date the registrant ceased being an employee.

§ 761.104 Policies and procedures.

A credit union that employs mortgage loan originators must adopt and follow written policies and procedures designed to assure compliance with this part. These policies and procedures must be appropriate to the nature, size, complexity and scope of the mortgage lending activities of the credit union. At a minimum, these policies and procedures must:

(a) Establish a process for identifying which credit union employees are required to be registered mortgage loan originators;

(b) Require that all credit union employees who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this part and be instructed on how to comply with such requirements and procedures;

(c) Establish procedures to comply with the unique identifier requirements in § 761.105;

(d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;

(e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;

(f) Provide for independent testing for compliance with this part to be conducted by credit union personnel or by an outside party;

(g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this part, or the credit union's related policies and procedures, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions; and

(h) Establish a process for reviewing employee criminal history background reports received from the Registry in connection with § 761.103(d)(1)(xii), taking appropriate action consistent with applicable law and rules with respect to these reports, and for maintaining records of these reports and actions taken with respect to applicable employees.

§ 761.105 Use of unique identifier.

(a) The credit union shall make the unique identifier(s) of its registered mortgage loan originator(s) available to members in a manner and method practicable to the credit union.

(b) A registered mortgage loan originator shall provide his or her unique identifier to a member:

(1) Upon request;

(2) Before acting as a mortgage loan originator; and

(3) Through the originator's initial written communication with a member, if any.

Appendix A to Part 761—Examples of Mortgage Loan Originator Activities

This Appendix provides examples to aid in the understanding of activities that would cause a credit union employee to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this part. For the purposes of the examples below, the term ''loan'' refers to a residential mortgage loan.

(a) *Taking a loan application:* The following examples illustrate when an employee takes or does not take, a loan application.

(1) Taking an application includes: receiving information that is sufficient to determine whether the member qualifies for a loan, even if the employee has had no contact with the member and is not responsible for further verification of information.

(2) Taking an application does not include any of the following activities performed solely or in combination:

(i) Contacting a member to verify the information in the loan application by obtaining documentation, such as tax returns or payroll receipts;

(ii) Receiving a loan application through the mail and forwarding it, without review, to loan approval personnel; or

(iii) Assisting a member who is filling out an application by clarifying what type of information is necessary for the application or otherwise explaining the loan application process in response to member inquiries.

(b) *Offering or negotiating terms of a loan:* The following examples are designed to illustrate when an employee offers or negotiates terms of a loan, and conversely, what does not constitute offering or negotiating terms of a loan.

(1) Offering or negotiating the terms of a loan includes:

(i) Presenting a loan offer to a member for acceptance, either verbally or in writing, even if further verification of information is necessary and the offer is conditional; or

(ii) Responding to a member's request for a lower rate or lower points on a pending loan application by presenting to the member a revised loan offer, either verbally or in writing, that includes a lower interest rate or lower points than the original offer.

(2) Offering or negotiating terms of a loan does not include solely or in combination:

(i) Providing general explanations in response to member queries regarding qualification for a specific loan product, such as explaining loan terminology (*i.e.,* debt-to-income ratio) or lending policies (*i.e.,* the loan-to-value ratio policy of the credit union);

(ii) In response to a member's request, informing a member of the loan rates that are publicly available such as on the credit union's Web site for specific types of loan products without communicating to the member whether qualifications are met for that loan product;

(iii) Collecting information about a member in order to provide the member with information on loan products for which the member generally may qualify, without presenting a specific loan offer to the member for acceptance, either verbally or in writing;

(iv) Arranging the loan closing or other aspects of the loan process, including communicating with a member about those arrangements, provided that communication with the member only verifies loan terms already offered or negotiated; or

(v) Providing a member with information unrelated to loan terms, such as the best days of the month for scheduling loan closings at the credit union.

(c) The following examples illustrate when an employee does or does not offer or negotiate terms of a loan ''for compensation or gain'':

(1) Offering or negotiating terms of a loan for compensation or gain includes engaging in any of the activities in paragraph (b)(1) of this Appendix in the course of carrying out employment duties, even if the employee does not receive a referral fee or commission or other special compensation for the loan.

(2) Offering or negotiating terms of a loan for compensation or gain does not include engaging in a seller-financed transaction for the employee's personal property that does not involve the credit union.

Dated: May 27, 2009.

John C. Dugan,

Comptroller of the Currency.

By the order of the Board of Governors of the Federal Reserve System, May 28, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

By order of the Board of Directors.

Dated at Washington, DC, the 29th day of May 2009.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated: May 28, 2009.

By the Office of Thrift Supervision,

John E. Bowman,

Acting Director.

Dated: May 28, 2009.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

By the National Credit Union Administration Board on May 26, 2009.

Mary Rupp,

Secretary of the Board.

[FR Doc. E9–13058 Filed 6–8–09; 8:45 am]

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