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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905 and 944

[Doc. No. AMS–FV–09–0002; FV09–905–1 FIR]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim final rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule that relaxed the minimum size requirement for white seedless grapefruit prescribed under the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida (order) and the grapefruit import regulation. The interim final rule relaxed the minimum size requirement for domestic and import shipments from 3 9/16 inches (size 48) to 3 5/16 inches (size 56). This change is expected to maximize fresh white seedless grapefruit shipments and provide greater flexibility to handlers and importers.

DATES: Effective September 16, 2009.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (863) 324–3375, *Fax:* (863) 325–8793, or *E-mail: Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide*; or by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; *Telephone:* (202) 720–2491, *Fax:* (202) 720–8938, or *E-mail: Jay.Guerber@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

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

The handling of oranges, grapefruit, tangerines, and tangelos grown in Florida is regulated by 7 CFR part 905. Prior to this change, the minimum size requirement for domestic shipments of white seedless grapefruit was 3 9/16 inches, while the minimum size requirement for export shipments was 3 5/16 inches. The more restrictive size requirement for domestic shipments was established in response to the domestic market preference for larger sized fruit, while the export market favored the smaller sized fruit. However, with total shipments of white seedless grapefruit declining, handlers need to be able to ship fruit to whichever markets become available. Therefore, this rule continues in effect the rule that relaxed the minimum size requirement for domestic shipments from 3 9/16 inches to 3 5/16 inches, making the minimum size requirement the same for both domestic and export markets.

Imported grapefruit are subject to regulations specified in 7 CFR part 944. Under those regulations, imported grapefruit must meet the same minimum size requirements as specified for domestic grapefruit under the order. Therefore, the minimum size requirement was also relaxed from 3 9/16 inches to 3 5/16 inches for white seedless grapefruit imported into the United States.

In an interim final rule published in the **Federal Register** on April 7, 2009, and effective on April 8, 2009 (74 FR 15641, Doc. No. AMS–FV–09–0002, FV09–905–1 IFR), §§ 905.306 and 944.106 were amended by changing the minimum diameter for ''Seedless, except red'' from 3 9/16 inches to 3 5/16 inches.

Final Regulatory Flexibility Analysis

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

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

There are approximately 40 Florida grapefruit handlers subject to regulation under the marketing order and about 8,000 citrus producers in the production area. There are approximately 10 grapefruit importers. Small agricultural service firms, which include grapefruit handlers and importers, are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000 (13 CFR 121.201).

According to industry and Committee data, the average annual f.o.b. price for fresh Florida white seedless grapefruit during the 2007–08 season was $10.30 per 4/5-bushel carton, and total fresh

shipments were around 3.3 million cartons. Based on the average f.o.b. price, a majority of Florida white seedless grapefruit handlers could be considered small businesses under SBA's definition. In addition, based on production and grower prices reported by the National Agricultural Statistics Service, and the total number of Florida citrus producers, the average annual producer revenue is less than $750,000. Information from the Foreign Agricultural Service, USDA, indicates that the dollar value of imported fresh grapefruit ranged from approximately $2.14 million in 2006 to $2.06 million in 2008. Using these values, all importers would have annual receipts of less than $7 million for grapefruit. Therefore, the majority of handlers, producers and importers of white seedless grapefruit may be classified as small entities.

This rule continues in effect the action that relaxed the minimum size requirement for white seedless grapefruit grown in Florida and imported white seedless grapefruit. This rule relaxes the minimum size requirement for domestic and import shipments from 3 9/16 inches to 3 5/16 inches. This change maximizes fresh white seedless grapefruit shipments and provides greater flexibility to handlers and importers. This rule amends the provisions of §§ 905.306 and 944.106. Authority for the change in the order's rules and regulations is provided in § 905.52. The change in the import regulation is required under section 8e of the Act.

This action is not expected to increase costs associated with the order requirements or the grapefruit import regulation. Rather, this action represents a cost savings for handlers and has the potential to increase industry returns. This change makes the minimum size requirement the same for both the domestic and export markets. Having the same minimum size requirement for both domestic and export shipments makes it easier to move fruit to available markets without having to repack fruit to meet the differing size requirements. This reduces costs and provides greater flexibility for handlers. Importers also benefit from this change, as a greater volume of fruit is available for shipment to the United States. The opportunities and benefits of this rule are equally available to all grapefruit handlers, growers, and importers, regardless of their size.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large grapefruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Florida citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the December 16, 2008, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Comments on the interim final rule were required to be received on or before April 8, 2009. No comments were received. Therefore, for the reasons given in the interim final rule, we are adopting the interim final rule as a final rule, without change.

To view the interim final rule, go to: *http://www.regulations.gov/search/Regs/home.html#searchResults?Ne=11+8+8053+8098+8074+8066+8084+1&Ntt=AMS–FV–09–0002&Ntk=All&Ntx=mode+matchall&N=0*.

This action also affirms information contained in the interim final rule concerning Executive Orders 12866 and 12988, the Paperwork Reduction Act (44 U.S.C. Chapter 35), and the E-Gov Act (44 U.S.C. 101).

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

After consideration of all relevant material presented, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (74 FR 15641, April 7, 2009) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

PARTS 905 AND 944—[AMENDED]

■ Accordingly, the interim final rule that amended 7 CFR parts 905 and 944 and that was published at 74 FR 15641 on April 7, 2009, is adopted as a final rule, without change.

Dated: September 9, 2009.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–22114 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

[Doc. No. AMS–FV–09–0012; FV09–959–1 FIR]

Onions Grown in South Texas; Change in Regulatory Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim final rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule that revised the regulatory period during which minimum grade, size, quality, and maturity requirements are in effect for onions grown in South Texas under Marketing Order No. 959 (order). The interim final rule shortened the regulatory period from March 1 through July 15 to March 1 through June 4. The relaxation in the interim final rule was necessary to enable producers and handlers to compete more effectively in the marketplace.

DATES: *Effective Date:* Effective September 16, 2009.

FOR FURTHER INFORMATION CONTACT: Belinda G. Garza, Regional Manager, Texas Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (956) 682–2833, *Fax:* (956) 682–5942; or *E-mail: Belinda.Garza@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide*; or by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; *Telephone:* (202) 720–2491, *Fax:* (202) 720–8938, or *E-mail: Jay.Guerber@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 959, as amended (7 CFR part 959),

regulating the handling of onions grown in South Texas, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

Section 8e of the Act provides that whenever certain specified commodities, including onions, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities. The interim final rule had no impact on the import regulation for onions.

USDA is issuing this rule in conformance with Executive Order 12866.

The handling of onions grown in South Texas is regulated by 7 CFR part 959. Section 959.322 of the order's rules and regulations provides that the handling of South Texas onions shall be subject to specified grade, size, and inspection requirements. That section also prescribes the time period during which such regulatory requirements for South Texas onions are in effect. Previously, the regulatory period during which regulations were in effect ran from March 1 to July 15.

In an interim final rule published in the **Federal Register** on April 24, 2009, and effective on April 25, 2009 (74 FR 18621, Doc. No. AMS–FV–09–0012, FV09–959–1 IFR), § 959.322 was amended by changing the ending date of the regulatory period to June 4, except that onions handled from June 5 through July 15 would continue to be inspected. Relaxing the regulation helps shippers in districts with later production compete in the market with shippers from non-regulated production areas. Continuing the inspection requirement through July 15 allows the South Texas Onion Committee (Committee) to continue collecting assessments through the end of the onion season in order to consistently fund onion promotion and research projects under the order.

Final Regulatory Flexibility Analysis

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

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

Industry Information

There are approximately 84 producers of onions in the production area and approximately 31 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $750,000. Small agricultural service firms are defined as those having annual receipts of less than $7,000,000.

Most of the South Texas handlers are vertically integrated corporations involved in producing, shipping, and marketing onions. For the 2007–08 marketing year, the industry's 31 handlers shipped onions produced on 10,978 acres with the average and median volume handled being 202,245 and 176,551 fifty-pound equivalents, respectively. In terms of production value, total revenues for the 31 handlers were estimated to be $174.7 million, with average and median revenues being $5.64 million and $4.92 million, respectively.

The South Texas onion industry is characterized by producers and handlers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of onions. Alternative crops provide an opportunity to utilize many of the same facilities and equipment not in use when the onion production season is complete. For this reason, typical onion producers and handlers either produce multiple crops or alternate crops within a single year.

Based on the SBA's definition of small entities, the Committee estimates that all of the 31 handlers regulated by the order would be considered small entities if only their onion revenues are considered. However, revenues from other farming enterprises could result in a number of these handlers being above the $7,000,000 annual receipt threshold. All of the 84 producers may be classified as small entities based on the SBA definition if only their revenue from onions is considered.

This rule continues in effect the action that shortened the ending date of the order's regulatory period for Texas onions shipped to the fresh market from July 15 to June 4 of each year. This action, which was unanimously recommended by the Committee, shortened the regulatory period during which minimum grade, size, quality, and maturity requirements are in effect for onions grown under the order. Authorization to implement such regulations is provided in § 959.52(b) of the order. Regulatory requirements authorized under this section are provided in § 959.322.

The interim final rule provided that fresh onion shipments from the South Texas onion production areas meet minimum grade, size, quality, and maturity requirements from March 1 through June 4 of each year. Inspection requirements will continue through July 15. Previously, regulations required that onions grown in the production area meet order requirements from March 1 through July 15 of each year. Prior to the 2007 marketing season, the regulatory period was from March 1 through June 4. In 2007, the regulatory period was extended from June 4 to July 15. At that time, the Committee believed that applying quality requirements for a longer time period was necessary to accommodate an extended growing season.

After two seasons' experience, District 2 producers and handlers requested that the Committee reconsider the previous regulatory extension. Onions subject to quality requirements under the order from June 5 to July 15 had been competing in the market with non-regulated onions from growing areas outside the order. Relaxing the requirements by changing the ending date of the regulatory period back to June 4 relieves District 2 handlers of the resulting inequity and enables them to be more competitive with shippers from other production areas.

Under the order, the Committee collects assessments from handlers based on inspection of onions to be shipped to market. The Committee's recommendation to continue the inspection requirement to July 15 allows the Committee to continue to collect assessments through the end of the season. This revenue will continue to be used by the Committee to fund its operations, including consistent funding for onion promotion and research projects under the order.

One alternative to such action would have been to not change the regulatory period back to June 4. However, the Committee believed that leaving the quality requirements in place for the entire season would not have been as beneficial for those shipping onions in the latter part of the season.

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

In addition, as noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the South Texas onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. All Committee meetings are public meetings and all entities, both large and small, are able to express their views.

This action also affirms information contained in the interim final rule concerning Executive Orders 12866 and 12988, the Paperwork Reduction Act (44 U.S.C. Chapter 35), and the E-Gov Act (44 U.S.C. 101).

Comments on the interim final rule were required to be received on or before June 23, 2009. No comments were received. Therefore, for the reasons given in the interim final rule, we are adopting the interim final rule as a final rule, without change.

To view the interim final rule, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=AMS-FV-09-0012.*

After consideration of all relevant material presented, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (74 FR 18621; April 24, 2009) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

PART 959—[AMENDED]

■ Accordingly, the interim final rule amending 7 CFR part 959 which was published at 74 FR 18621 on April 24, 2009, is adopted as a final rule without change.

Dated: September 9, 2009.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–22115 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

RIN 3064–AD46

Interest on Deposits

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending its regulations to eliminate restrictions on certain kinds of transfers from savings deposits for state chartered banks that are not members of the Federal Reserve System and insured branches of foreign banks. The Board of Governors of the Federal Reserve System (the FRB) has already amended its regulations to eliminate these restrictions for member banks. Because this change is ministerial, the FDIC has determined for good cause that public notice and comment is unnecessary and impracticable under the Administrative Procedure Act (the APA) and is implementing this change by means of a final rule without notice and comment.

DATES: This rule is effective on September 15, 2009.

FOR FURTHER INFORMATION CONTACT: Mark Mellon, Counsel, Legal Division, (202) 898–3884 or Samuel Frumkin, Senior Policy Analyst (Compliance), Compliance Policy Section, Division of Supervision and Consumer Protection, (202) 898–6602, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

A. FRB Amendments to Regulation D

On May 20, 2009, the FRB announced the approval of final amendments to 12 CFR part 204, Reserve Requirements of Depository Institutions (Regulation D). Among other changes, the amendments will eliminate restrictions on certain types of transfers that consumers can make from savings deposits. See 74 FR 25629 (May 29, 2009). The changes were effective 30 days from the date of publication in the **Federal Register**, that is, July 2, 2009.

Prior to the FRB amendments, Regulation D limited the number of ''convenient'' transfers and withdrawals from savings deposits to not more than six per month. Within this overall limit of six, not more than three transfers or withdrawals could be made by check, debit card, or similar order made by the depositor and payable to third parties (the three transfer sublimit). Under the FRB final amendments, the permissible monthly number of transfers or withdrawals from savings deposits by check, debit card, or similar order payable to third parties has been increased from three to six. In other words, while the FRB has decided to retain the overall six-transfer limit for savings deposits, it has eliminated the three-transfer sublimit within the overall limit that applied to transfers or withdrawals from savings deposits by check, debit card, or similar order payable to third parties. The FRB decided to eliminate the three transfer sublimit because distinctions between such transfers and other types of pre-authorized or automatic transfers subject to the six-per-month limit were no longer logical in light of technological advances. See 74 FR 25631.

B. FDIC Responsibilities Under Section 18(g) of the Federal Deposit Insurance (FDI) Act

Section 18(g) of the FDI Act (12 U.S.C. 1828(g)) provides that the Board of Directors of the FDIC shall by regulation prohibit the payment of interest or dividends on demand deposits in insured nonmember banks and in insured branches of foreign banks. Accordingly, the FDIC promulgated regulations prohibiting the payment of interest or dividends on demand deposits at 12 CFR part 329. See 51 FR 10808 (Mar. 31, 1986). Section 18(g) of the FDI Act also provides that the FDIC shall make such exceptions to this prohibition as are prescribed with respect to demand deposits in member banks by section 19 of the Federal Reserve Act, as amended, or by regulation of the FRB.

Generally, member banks, state nonmember banks and insured branches of foreign banks are subject to the statutory prohibition and exceptions to that prohibition, although under different statutes and regulations. From time to time the FRB issues or authorizes a new exception to the prohibition applicable to member banks, and the FDIC later issues or authorizes a similar exception affecting state nonmember banks and insured branches of foreign banks, as is the case in this particular rulemaking. Note, however, that under section 329.3 of part 329, state nonmember banks and insured branches of foreign banks are already subject to the same exceptions to the prohibition that member banks are subject to, regardless of whether the FDIC has issued or authorized the specific exception. See 63 FR 8341 (Feb. 19, 1998).

C. Amendments to Sections 329.1(b)(3) and 329.102 of Part 329

Therefore, in accord with the FRB amendments to Regulation D, the FDIC is amending the part 329 definition of ''demand deposit'' to eliminate the three transfer sublimit. This will be done by eliminating the first proviso of subsection 329.1(b)(3). A minor change is also made to the interpretive rule set forth in section 329.102 to make it conform to section 329.1(b)(3) as amended by this rule.

II. Exemption From Public Notice and Comment

The FDIC is required by law to promulgate the same exception to the prohibition against the payment of interest on demand deposits that has been prescribed with respect to demand deposits in member banks by the FRB by regulation. Given this statutory requirement, the FDIC has no discretion in this matter, but must instead eliminate the three transfer sublimit for state nonmember banks and insured branches of foreign banks in the same way that the FRB has done for member banks. Moreover, under section 329.3 of FDIC Rules and Regulations, state nonmember banks and insured branches of foreign banks are already covered by the FRB elimination of the three transfer sublimit when that regulatory change becomes effective on July 2, 2009. As a result, amending part 329 to eliminate reference to the three transfer sublimit would essentially only be an official recognition by the FDIC of an already established requirement.

For these reasons, the FDIC has thus determined for good cause that public notice and comment is unnecessary and impracticable under the APA (5 U.S.C. 553(b)(3)(B)), and that the rule should be published in the **Federal Register** as a final rule.

III. Effective Date

For the same reasons that the FDIC has determined that public notice and comment is unnecessary and impractical for good cause, the FDIC also finds that it has good cause to adopt an effective date that would be less than 30 days after the date of publication in the **Federal Register** pursuant to the APA (5 U.S.C. 553(d)). The amendment to Part 329 will be effective as of the date of its publication in the **Federal Register**.

IV. Regulatory Flexibility Act

An initial regulatory flexibility analysis under the Regulatory Flexibility Act (RFA) (5 U.S.C. 603) is required only when an agency must publish a general notice of proposed rulemaking. As already noted, the FDIC has determined that publication of a notice of proposed rulemaking is not necessary for this final rule. Accordingly, the RFA does not require an initial regulatory flexibility analysis. Nevertheless, the FDIC has considered the likely impact of the rule on small entities and believes that the rule will not have a significant impact on a substantial number of small entities.

V. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121, 110 Stat. 857) provides generally for agencies to report rules to Congress and for Congress to review such rules. The reporting requirement is triggered in instances where the FDIC issues a final rule as defined by the APA (5 U.S.C. 551 *et seq.*). Because the FDIC is issuing a final rule as defined by the APA, the FDIC will file the reports required by the SBREFA.

VI. The Treasury and General Government Appropriations Act, 1999 Assessment of Federal Regulations and Policies on Families

The FDIC has determined that this final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277, 112 Stat. 2681 (1998)).

VII. Paperwork Reduction Act

No collection of information pursuant to section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) is contained in this rule. Consequently, no information has been submitted to the Office of Management and Budget for review.

VIII. Riegle Community Development and Regulatory Improvement Act

The final rule does not impose any new reporting or disclosure requirements on insured depository institutions under the Riegle Community Development and Regulatory Improvement Act.

IX. Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, 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 final rule makes part 329 plainer by eliminating unnecessary language.

X. Authority for the Regulation

This regulation is authorized by the FDIC's general rulemaking authority. Specifically, 12 U.S.C. 1819(a)(Tenth) provides the FDIC with general authority to issue such rules and regulations as it deems necessary to carry out the statutory mandates of the FDI Act and other laws that the FDIC is charged with administering or enforcing. Moreover, as previously noted, section 18(g) of the FDI Act provides that the FDIC shall make such exceptions to the statutory prohibition against the payment of interest on demand deposits as are prescribed with respect to demand deposits in member banks by section 19 of the Federal Reserve Act, as amended, or by regulation of the FRB (12 U.S.C. 1828(g)).

List of Subjects in 12 CFR Part 329

Banks, Banking, Interest rates.

■ For the reasons set out in the preamble, the Board of Directors of the FDIC hereby amends part 329 of title 12 of the Code of Federal Regulations as follows:

PART 329—INTEREST ON DEPOSITS

■ 1. The authority for part 329 continues to read as follows:

Authority: 12 U.S.C. 1819, 1828(g), 1832(a).

■ 2. Section 329.1 is amended by revising paragraph (b)(3) to read as follows:

§ 329.1 Definitions.

* * * * *

(b)* * *

(3) Any other deposit from which, under the terms of the deposit contract, the depositor is authorized to make, during any month or statement cycle of at least four weeks, more than six transfers by means of a preauthorized or automatic transfer or telephonic (including data transmission) agreement, order or instruction, which transfers are made to another account of the depositor at the same bank, to the bank itself, or to a third party, *provided* that no deposit specified in this paragraph (3) will be deemed to be a demand deposit if the entire beneficial interest of the deposit is held by a depositor identified in paragraph (2) of section 2(a) of Public Law 93–100 (12 U.S.C. 1832(a)(2)).[1]

* * * * *

[1] Paragraph (1) of 12 U.S.C. 1832(a) authorizes banks to let certain depositors make withdrawals from interest-bearing deposits by negotiable or

Continued

■ 3. Section 329.102 is amended by revising the introductory text to read as follows:

§ 329.102 Deposits described in § 329.1(b)(3).

This interpretive rule explains the proviso of § 329.1(b)(3).

* * * * *

Dated this 9th day of September 2009.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E9–22070 Filed 9–14–09; 8:45 am]

BILLING CODE 6714–01–P

transferable instruments for the purpose of making transfers to third parties—i.e., to hold deposits commonly called NOW accounts.

Paragraph (2) of 12 U.S.C. 1832(a) provides: ''Paragraph (1) shall apply only with respect to deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, political, or other similar purposes and which is not operated for profit, and with respect to deposits of public funds by an officer, employee, or agent of the United States, any State, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof.''

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 301

[Docket Nos. EF08–2011–000 and RM08–20–000; Order No. 726; 128 FERC ¶61,222]

Sales of Electric Power to the Bonneville Power Administration; Revisions to Average System Cost Methodology

Issued September 4, 2009.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission grants final approval to the revised methodology for determining the average system cost (ASC) used by Bonneville Power Administration in its Residential Exchange Program.

DATES: *Effective Date:* This final rule is effective October 15, 2009.

FOR FURTHER INFORMATION CONTACT:

Peter Radway (Technical Information), Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, Phone: 202–502–8782, e-mail: *peter.radway@ferc.gov.*

Julia A. Lake (Legal Information), Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, Phone: 202–502–8370, e-mail: *julia.lake@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Before Commissioners: Jon Wellinghoff, Chairman; Suedeen G. Kelly, Marc Spitzer and Philip D. Moeller.

Order No. 726

Final Rule

Issued September 4, 2009

1. The Federal Energy Regulatory Commission grants final approval of the Bonneville Power Administration's (Bonneville) new methodology for determining the average system cost (ASC) of a utility's resources under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act).[1]

I. Background

2. Section 5(c) of the Northwest Power Act provides for a Residential Exchange Program, which is designed to make the benefits of Bonneville's relatively low preference power rates available to residential customers of investor-owned utilities in the Pacific Northwest. Although the Residential Exchange Program is available to any Pacific Northwest utility, the primary beneficiaries of the exchange are investor-owned utilities. Under the Residential Exchange Program, a utility may sell power to Bonneville at the average system cost of that utility's resources.[2] Bonneville then sells the same amount of power back to the utility at Bonneville's priority firm exchange rate.[3] The power exchange is generally viewed as a paper transaction.[4] In almost all instances, Bonneville makes a payment to the utility for the difference between the utility's average system cost and Bonneville's priority firm exchange rate, multiplied by the utility's residential and small farm load.

3. The Northwest Power Act does not define what constitutes the average system cost of a utility's resources. Instead, the Northwest Power Act grants Bonneville's Administrator the authority to establish a methodology for determining and exchanging utility's average system cost through a stakeholder process in consultation with the Northwest Power Planning Council, Bonneville's customers, and appropriate State regulatory bodies in the region.[5] The Northwest Power Act, however, directs the Administrator to exclude the following three types of costs from the average system cost: (1) The cost of additional resources in an amount sufficient to serve any new large single load of the utility; (2) the cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after December 5, 1980; and (3) any cost of any generating facility which is terminated prior to initial operation.[6] Outside these explicit exclusions, the Northwest Power Act is silent on the costs that may be included or excluded in the average system cost. Bonneville's Administrator decides what costs should be considered when calculating the average system cost, and what process should be used to make that determination.

4. The Commission's role in this exchange program is two-fold. First, under section 5(c)(7) of the Northwest Power Act, while Bonneville develops a methodology for determining a utility's ASC (after consulting with various affected groups), the Commission must ''review and approve'' the methodology. Neither the statute nor its legislative history explains the nature of this review.[7]

5. The Commission's second role in the exchange program arises from its Federal Power Act (FPA)[8] responsibility to review the wholesale sales rates of individual public utilities, essentially investor-owned utilities; the Commission reviews the rates for such sales from the investor-owned utilities to Bonneville based on the ASC methodology. The Commission's existing rules (18 CFR 35.30 and 35.31) provide that the Commission will accept under the FPA any sale to Bonneville that is based on application of an approved ASC methodology.[9]

6. On July 14, 2008, Bonneville filed a proposed revised ASC methodology to replace the then-current ASC methodology approved by the Commission on a final basis in 1984, and codified in part 301 of the Commission's regulations (July 2008

[1] 16 U.S.C. 839c(c).

[2] 16 U.S.C. 839c(c)(1).

[3] This rate is generally a lower rate.

[4] *See CP Nat'l Corp.* v. *BPA,* 928 F.2d 905, 907 (9th Cir. 1991) (*quoting Public Utility Commissioner of Oregon* v. *BPA,* 583 F. Supp. 752, 754 (D.Or. 1984)).

[5] 16 U.S.C. 839c(c)(7).

[6] 16 U.S.C. 839c(c)(7)(A)–(C).

[7] *Methodology for Sales of Electric Power to Bonneville Power Administration,* Order No. 400, FERC Stats. & Regs. ¶ 30,601, at 31,161–62 (1984), *reh'g denied,* Order No. 400–A, 30 FERC ¶ 61,108 (1985).

[8] 16 U.S.C. 824, 824d, 824e.

[9] Order No. 400, FERC Stats. & Regs. ¶ 30,601 at 31,161–62.

Filing).[10] In its July 2008 Filing (which was corrected on September 12, 2008),[11] Bonneville stated that this was the first revision to its ASC methodology in 24 years, and reflected changes in the energy industry that had transpired during that time.

7. In its July 2008 Filing, Bonneville explained that the revised ASC methodology retained characteristics of the then-current ASC methodology. Bonneville explained, further, that the key differences were how average system costs are calculated as well as the substance of the costs included and excluded from the average system costs calculation. Bonneville stated that the revised ASC methodology adopted a streamlined approach to the average system cost calculations by using a different source of average system cost data, *i.e.,* FERC Form 1 data, instead of state retail rate orders. Bonneville noted that, in addition, it proposed to adjust average system costs less frequently. Bonneville asserted that the revised ASC methodology allowed each utility to file a single, combined average system cost for its entire within-region service territory as opposed to an average system cost for each state jurisdiction in which it operated.

8. Bonneville also explained that it was proposing to establish a two-year average system cost period that would correspond with its two-year wholesale power rate periods. Bonneville explained, further, that each utility's average system cost would stay fixed except for pre-determined adjustments to reflect the costs of new resources incurred during the rate/exchange period. According to Bonneville, this feature would lessen the number of average system cost filings reviewed by Bonneville and the Commission.

9. Bonneville explained that the revised ASC methodology also changed the average system cost treatment of certain costs. Bonneville stated that it was allowing utilities to exchange a full return on equity (instead of the weighted cost of debt); the utility's marginal Federal income tax; and the utility's transmission plant costs.

10. Bonneville requested Commission approval of this new ASC methodology by October 1, 2008 to coordinate with the initiation of the Residential Exchange Program.

11. On September 30, 2008, the Commission conditionally approved in an interim rule Bonneville's proposed ASC methodology. The Commission also requested comments on whether it should approve the ASC methodology on a final basis as proposed by Bonneville.[12]

II. Discussion

12. For the reasons discussed below, the Commission grants final approval of Bonneville's new ASC methodology, as amended, with minor editorial changes.

A. Introduction

13. Bonneville proposed an amended ASC methodology in its comments. Bonneville states that its amended 2008 ASC methodology comprises the following three main components: (1) Provisions related to the calculation of the Base Period average system cost (in amended §§ 301.8, 301.9, and the Appendix 1 Endnotes); (2) provisions relating to the escalation (or change) of the Base Period average system cost to the Exchange Period average system cost (amended § 301.5); and (3) provisions relating to Bonneville's average system review process and procedures (amended §§ 301.3, 301.4 and 301.7).

Comments

14. The Public Utility District No. 1 of Clark County, Washington and the Public Utility District No. 1 of Grays Harbor County, Washington (Districts) challenge Bonneville's calculation of average system cost in a different manner for investor-owned utilities and for consumer-owned utilities participating in the Residential Exchange Program.[13] The Districts argue that, under prior ASC methodologies, investor-owned utilities and consumer-owned utilities were able to include the same non-Federal resource costs and the same retail loads for the calculation of their average system costs. The Districts claim that now, in contrast, the investor-owned utilities can include the costs of all non-federal resources and their entire retail loads, and the consumer-owned utilities face limitations on their recovery of the costs of non-federal resources and limitations on their retail loads. The Districts challenge Bonneville's rationale offered to support this different treatment, *i.e.*, that allowing consumer-owned utilities to participate fully in Bonneville's Residential Exchange Program would frustrate its policy goal of tiering or separating the costs of existing Federal resources from future resource costs for purposes of setting its Priority Firm Rate. The Districts argue that all utilities must be treated in the same manner, and that Bonneville has other means to implement its policy goal of tiering its resource costs. The Districts, therefore, request the Commission to reject Bonneville's filing.

15. Idaho Public Utility Commission (Idaho PUC) supports Bonneville's revised ASC methodology. Idaho PUC, however, challenges the deemer mechanism[14] that is used in determining a utility's average system cost.[15] Idaho PUC notes that, when it challenged this mechanism in Bonneville's stakeholder process to develop this revised ASC methodology, Bonneville declined to consider the challenge because the mechanism is not, in fact, part of the ASC methodology, but rather is part of the Residential Purchase and Sales Agreements between Bonneville and its customers. Idaho PUC disagrees, and requests the

[10] *See* 18 CFR Part 301.

[11] The July 2008 Filing was noticed in Docket No. EF08–2011–000 in the **Federal Register,** 72 FR 32633 (2008), with protests and interventions due on or before August 13, 2008. Timely motions to intervene and comments were filed by Avista Corporation, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc., Public Utility District No. 1 of Clark County, Washington, and the Public Utility District No. 1 of Grays Harbor County, Washington. The Public Power Council and the Public Utility District No. 1 of Snohomish County, Washington filed motions to intervene out of time. In addition, the Idaho Power Company filed comments and a partial protest. The Idaho Public Utilities Commission filed a notice of intervention and protest. Bonneville filed an answer to the comments and protests. Additionally, Bonneville filed an errata correction to its original filing on September 12, 2008 (September errata filing).

[12] Comments were due on or before November 10, 2008. *See* 73 FR 60,105 (Oct. 10, 2008). In response to a request by Bonneville the Commission subsequently provided an opportunity for reply comments. *See* Appendix A (providing a list of commenters). Bonneville filed an answer to the comments.

[13] For investor-owned utilities, the ASC methodology allows the costs of all non-Federal resources to be included in their average system cost calculations. Investor-owned utilities also are permitted to use their retail load to determine their average system cost. On the other hand, consumer-owned utilities that sign new power sales contracts with Bonneville that are offered under Bonneville's Regional Dialogue process are subject to limitations on the non-Federal resource costs and the retail loads that can be used to calculate their average system cost.

[14] A deemer provision is a contractual provision that dates from the 1981 Residential Purchase and Sales Agreement, which was the first contract that implemented Bonneville's Residential Exchange Program. The provision was designed to address the situation where an exchanging utility's average system cost falls below Bonneville's Power Firm Exchange rate, resulting in ''negative'' Residential Exchange Program benefits. Rather than have a utility pay Bonneville, the exchanging utility could ''deem'' its average system cost equal to the Power Firm Exchange Rate. The negative difference that would have otherwise been paid to Bonneville is then tracked in a separate ''deemer account.'' An outstanding balance in the deemer account is referred to as a ''deemer balance.'' An exchanging utility is required to pay off this balance through reductions in future positive Residential Exchange Program benefits before it can receive further Residential Exchange Program payments. Certain exchanging utilities accrued deemer balances under the 1981 Residential Purchase and Sales Agreements.

[15] Idaho Power also challenges the deemer mechanism for the same reasons as Idaho PUC.

Commission to reject use of the deemer mechanism.

Bonneville's Answer

16. Bonneville argues that the Districts mischaracterize the ASC methodology as applied to consumer-owned utilities. It asserts that eligible consumer-owned utilities may choose to exchange all of their eligible non-federal resources with Bonneville, provided they execute a Residential Purchase and Sales Agreement. It states, further, that it never proposed to exclude the costs of eligible, non-federal resources of consumer-owned utilities from the average system cost calculation for purchases under that agreement. Bonneville also argues that the ASC methodology excludes the non-federal resources of the consumer-owned utilities from the calculation of the average system cost only to the extent a consumer-owned utility chooses to purchase power from Bonneville in the future under a so-called Regional Dialogue High Water Mark Contract (CHWM contract) provided to Bonneville's preference customers under its Tiered Rates methodology.[16] Bonneville notes that the CHWM contract is just one type of power sales agreement that Bonneville will offer. Bonneville states that, only if the consumer-owned utilities want a power sales contract that is connected to the Tiered Rates methodology, must they agree to limit the resources they exchange with Bonneville.

17. Bonneville argues that the concerns of Idaho PUC and Idaho Power regarding the legality of the deemer provision are outside the scope of this rulemaking on the ASC methodology and should not be addressed in this proceeding. Bonneville asserts that the deemer provision is a provision in the Residential Purchase and Sales Agreement, and, as such, should be addressed in other forums. Bonneville adds that the Residential Purchase and Sales Agreement provisions are currently undergoing a stakeholder review process in another proceeding pending before Bonneville.

Commission Determination

18. Initially, the Commission grants Bonneville's request to amend proposed part 301, as requested by Bonneville in its comments on the interim rule. Bonneville's requested amendments to part 301 of the Commission's regulations, described in more detail below, revise and clarify Bonneville's ASC methodology and review process as it applies to Bonneville's customers. As Bonneville notes, it held a public workshop with its customers to discuss the amendments and requested comments from its customers. According to Bonneville, its customers did not object to the revisions in their comments, but did request further clarifications that it asserts it incorporated in its filing.

19. The Commission approves Bonneville's amended ASC methodology, with minor editorial changes, notwithstanding the Districts' objections. We note that, while the Districts complain of inconsistent treatment, the Districts also recognize that, under the statute, Bonneville has the authority to address with its customers, investor-owned utilities as well as consumer-owned utilities, which resources to include in its ASC methodology.[17] And the statute simply does not require the kind of consistency that Districts claim it does.[18] In any event, if consumer-owned utilities choose to execute Residential Purchase and Sales Agreements, then they will be entitled to the kind of consistency the Districts seek. Moreover, the Commission's role is limited to ''review[ing] and approv[ing]'' the ASC methodology.[19] As we noted in Order No. 400, Bonneville is entitled to ''considerable deference'' both in its interpretations of the Northwest Power Act and its policy judgments under that Act.[20] (The Commission's regulations also provide that the Commission will accept under the FPA any sales to Bonneville that are based on application of an approved ASC methodology.[21]) The Commission is approving the ASC methodology because it conforms to the provisions of the Northwest Power Act.[22] We find no compelling basis in the Districts' comments for arriving at a different result.

20. We also decline Idaho PUC's request that we reject use of the deemer mechanism. We find that Idaho PUC's challenge represents a collateral attack on Bonneville's Residential Purchase and Sales Agreements between Bonneville and its customers, where that mechanism is found. Those agreements are not the subject of this rulemaking proceeding.

B. Base Period Average System Cost Calculation

21. Bonneville states that amended §§ 301.8, 301.9 and the Appendix 1 Endnotes provide the process for calculating a utility's Base Period average system cost. The Base Period average system cost is an average system cost calculated from data available during the Base Period, *i.e.,* the calendar year of an investor-owned utility's most recent FERC Form 1, or a consumer-owned utility's similar financial information. According to Bonneville, the Base Period average system cost is calculated by populating the schedules in Appendix 1 with cost and revenue data from the utility. An investor-owned utility primarily will rely on its most recent FERC Form 1 as its source of data (consumer-owned utilities will rely on similar data), using supplemental information for some particular areas. Bonneville notes that the Appendix 1 tables (Excel spreadsheets) will automatically generate the utility's Base Period average system cost.

22. Bonneville states that amended § 301.8 of Bonneville's ASC methodology provides general instructions for completing Appendix 1. That section describes the sources of data that investor-owned utilities and consumer-owned utilities must use. It also describes the utility's duty to provide its work papers and other documentation substantiating its calculations. The section also requires the utility to file an attestation from its Chief Financial Officer regarding the data.

23. Bonneville states that amended § 301.9 and Table 1 of Bonneville's ASC

[16] The Tiered Rates methodology implements a new tiered rate structure with one set of rates (Tier 1) for public bodies, cooperatives and Federal agencies (preference customers) that recovers the costs of Bonneville's current generating system and programs, including the Residential Exchange Program. These customers will be limited to the amount of power than can be purchased at Tier 1 rates. Another set of rates (Tier 2) will be established to recover the costs of new generating resources. Preference customers will be able to purchase any requirements that remain after purchasing up to their maximum at Tier 1 rates. The Tiered Rates methodology is structured to keep separate the costs of resources whose costs are recovered through Tier 1 rates from the costs of resources whose costs are recovered through Tier 2 rates. Bonneville's Tiered Rates methodology is currently pending in Docket No. EL09–12–000.

[17] *See* 16 U.S.C. 839c(c)(7); *see* Districts comments at 6 (''the Northwest Power Act gives Bonneville the responsibility of developing the methodology for calculating the average system cost of each participating utility'').

[18] *See* 16 U.S.C. 839c(c)(1), (7).

[19] *See* 16 U.S.C. 839c(c)(7).

[20] *See* Order No. 400, FERC Stats. & Regs. ¶ 30,601 at 31,163–64 (discussing, *inter alia*, the deference owed to Bonneville as well as *Aluminum Co. of America* v. *Central Lincoln Peoples' Utility District,* 104 S. Ct. 2472, 2480–2483 (1984)); *accord Sales of Electric Power to Bonneville Power Administration, Metholology and Filing Requirements*, Order No. 337, FERC Stats. & Regs. ¶ 30,506, at 30,738–39 (1983).

[21] *See* 18 CFR 35.30 and 35.31; *accord* Order No. 400, FERC Stats. & Regs. ¶ 30,601 at 31,161–62; Order No. 337, FERC Stats. & Regs. ¶ 30,506 at 30,738–39.

[22] *See* Order No. 337, FERC Stats. & Regs. ¶ 30,506 at 30,738 (Commission can disapprove proposed ASC methodology only if it is inconsistent with Northwest Power Act).

methodology describe how the individual cost and revenue items in the utility's Appendix 1 are divided into the Production, Transmission, and Distribution/Other categories. According to Bonneville, costs that are assigned to the Production and Transmission categories will be included in the utility's average system cost calculation, *i.e.*, in the Contract System Cost numerator of the average system cost equation. Costs assigned to the Distribution/Other category will not be included. Bonneville notes that, for the most part, the line items in the Appendix 1 will be automatically assigned to the Production, Transmission, and/or Distribution/Other categories by predefined ratios, referred to as functionalization [23] codes.

24. According to Bonneville, for certain Accounts in Appendix 1, the utility will have the option of not using the default functionalization code. Instead, it may conduct a more detailed analysis to assign costs or revenues to the Production, Transmission, or Distribution/Other categories. Bonneville refers to this analysis as a ''direct analysis.'' Bonneville states that Table 1 identifies the Accounts in Appendix 1 that may be evaluated under a direct analysis. Paragraphs (c) and (d) of amended § 301.9 require that a utility substantiate its direct analysis with documentation and other evidence, and that the utility, having opted to use a direct analysis on an Account, must continue to use a direct analysis on the Account in future Appendix 1 filings, unless Bonneville allows the utility to return to the default functionalization code.

25. Bonneville notes that the Appendix 1 schedules and ratio tables are, in some instances, subject to special rules or requirements as described in the Endnotes to Appendix 1. The Endnotes provide substantive information about how certain line items in Appendix 1 will be treated.

Comments

26. Commenters challenge Bonneville's decision to adjust a utility's base year data by escalating the utility's average system costs to the mid-point of Bonneville's rate period.[24]

Commission Determination

27. The Commission finds that commenters are challenging an element of Bonneville's ASC methodology that is beyond the Commission's scope of review of the methodology. As we have explained above, our role is a limited one—ensuring consistency with the Northwest Power Act. We are not otherwise authorized to challenge the Administrator's decisions relating to the specifics of the ASC methodology.[25] Moreover, Bonneville developed the amended ASC methodology through a stakeholder process with customers. The amended ASC methodology approved here represents the results of that collaboration. To the extent Bonneville and its customers find that any component of that ASC methodology needs further refinement, we anticipate that Bonneville and its customers will resolve the issue through further consultation as provided by the statute.

C. Exchange Period Average System Cost Determination

28. According to Bonneville, amended §§ 301.8, 301.9 and the Endnotes will be the core provisions it will use to determine a utility's average system cost. Bonneville notes that the Commission will rely on those sections to evaluate whether Bonneville's average system cost determinations are consistent with Bonneville's 2008 ASC methodology.

29. Bonneville explains that, once a utility's Base Period is calculated and Bonneville determines that the utility has properly functionalized all of its costs, certain line items of the utility's Appendix 1 are escalated to the beginning of, and then through, Bonneville's subsequent wholesale power rate period (referred to as the Exchange Period). According to Bonneville, this ''escalation step'' is the second major component of Bonneville's 2008 ASC methodology, and is a new feature unique to its 2008 ASC methodology. According to Bonneville, this ''escalation step'' reduces the administrative burden by limiting changes to a utility's average system cost once it is established in an average system cost review process.

30. Section 301.5 of the amended 2008 ASC methodology describes the method Bonneville and parties developed to calculate the utility's average system cost. Bonneville uses industry standard escalators to escalate certain line items in the utility's Appendix 1. Bonneville explains that, after the specified line items are escalated, the utility's average system cost is recalculated. According to Bonneville, the resulting average system cost, *i.e.,* the Exchange Period average system cost, is the average system cost Bonneville will use to determine the utility's Residential Exchange Program benefits during Bonneville's subsequent wholesale power rate period. Bonneville notes that the Exchange Period average system cost also is the average system cost that jurisdictional utilities file with the Commission for review.

31. Amended § 301.5 also outlines the limited ways in which a utility's average system cost may change during an Exchange Period. Bonneville states that its amended 2008 ASC methodology removes the connection between a utility's request for a retail rate change and a change in its average system cost, thereby limiting the administrative burden for both Bonneville and the Commission. Bonneville states that the only time a utility's average system cost may change once established for an Exchange Period is: (1) To account for major resource additions or reductions; or (2) to adjust for the loss or gain of service territory. Bonneville explains that, except for these limited circumstances, a utility's average system cost is locked-in until the beginning of Bonneville's next average system cost review process.

Comments

32. Commenters challenge core provisions of the ASC methodology that will be used to determine a utility's average system cost, including but not limited to the following: (1) Use of FERC Form 1 data as the basis for calculating a utility's average system cost; [26] (2) failure to include state income and revenue taxes in the average system cost determination, while including federal income taxes; [27] (3) failure to include a utility's regulatory fees in Account 928; [28] (4) failure to include replacement fuel for power (and replacement gas transportation) agreements as a major resource addition in ''new resource costs;'' [29] (5) treatment of requirement sales for resale in Account 447; [30] (6) inclusion of conflicting statements regarding the functionalization of customer expenses in Account 908; [31] and (7) failure to provide a methodology for determining average system costs for customer-owned utilities that elect to

[23] The term ''functionalization,'' as used here, refers to the process of assigning a utility's costs and revenues to the Production, Transmission, and Distribution/Other categories.

[24] *See, e.g.,* Avista comments at 4; Idaho Power comments at 5.

[25] *See supra* notes 19–22 and accompanying text.

[26] *See, e.g.,* APAC comments at 1–2.

[27] *See, e.g.,* WUTC comments at 6; Avista comments at 14–16; Idaho Power at 3–6.

[28] *See, e.g.,* WUTC comments at 7; Avista comments at 11; Idaho Power comments at 10.

[29] *See, e.g.,* Avista comments at 4–5; Idaho Power at 6–7.

[30] *See, e.g.,* Avista comments at 8; Portland General comments at 9; Idaho Power comments at 10.

[31] Avista comments at 9; Idaho Power comments at 11.

execute Regional Dialogue High Water Mark contracts.[32]

Commission Determination

33. The Commission finds that commenters are challenging elements of Bonneville's ASC methodology that are beyond the Commission's scope of review. As we have explained above, our role is a limited one—ensuring consistency with the Northwest Power Act. We are not otherwise authorized to challenge the Administrator's decisions relating to the specifics of the ASC methodology.[33] Moreover, Bonneville developed the amended ASC methodology through a stakeholder process with customers. The amended ASC methodology approved here represents the results of that collaboration. To the extent Bonneville and its customers find that any component of that ASC methodology needs further refinement, we anticipate that Bonneville and its customers will resolve the issue through further collaboration as provided by the statute.

D. Bonneville's Review of a Utility's Average System Cost Determination

34. Amended §§ 301.3, 301.4, and 301.7 provide the procedures and schedules Bonneville will use when reviewing a utility's average system cost. Bonneville explains that a utility is required to file an Appendix 1 with Bonneville by June of the fiscal year prior to the beginning of Bonneville's next wholesale power rate proceeding. Bonneville notes that it conducts its rate proceedings in the fall of the year prior to the expiration of its rates. Bonneville notes, further, that in the years it is not proposing to change wholesale power rates, utilities are required to file an informational Appendix 1 with Bonneville. These informational filings will be used by Bonneville for trend analysis only. According to Bonneville, these filings are not reviewed in an average system cost review process, and do not result in a change to the utility's average system cost.

35. Bonneville notes that, although historically it developed its average system cost review procedures as part of the ASC methodology consultation process, the Commission has previously found that it has no jurisdiction over these procedures, and has directed comments on these matters to Bonneville.[34] Bonneville, therefore, requests that, consistent with this past practice, §§ 301.3, 301.4, and 301.7 of the regulations established in the interim rule be removed.

Comments

36. Commenters challenge elements of the Bonneville's process for reviewing a utility's average system cost determination, including but not limited to the following: (1) Bonneville's decision to require utilities to file Appendix 1 annually using updated FERC Form 1 data;[35] and (2) Bonneville's failure to commit to limiting future Exchange Periods to two-year periods.[36]

Commission Determination

37. The Commission finds that commenters are challenging elements of Bonneville's process for reviewing a utility's average system cost determination that are beyond the Commission's scope of review. As we have explained, our role is a limited one—insuring consistency with the Northwest Power Act.[37] We are not otherwise authorized to challenge the Administrator's decisions relating to the specifics of the ASC methodology or the processes used to develop both that methodology and the resulting determinations of average system costs. Moreover, Bonneville developed the amended ASC methodology through a stakeholder process with customers. The amended ASC methodology approved here represents the results of that collaboration. To the extent Bonneville and its customers find that any component of Bonneville's process needs further refinement, we anticipate that Bonneville and its customers will resolve the issue through further collaboration as provided by the statute.

E. Relationship Between Bonneville's Tiered Rate

Methdology and ASC Methodology

38. In its comments, Bonneville states that amended § 301.5 contains provisions that relate to the interplay between its ASC methodology and its proposed Tiered Rates methodology. According to Bonneville, the Tiered Rates methodology implements a new tiered rate structure that will establish one set of rates (Tier 1) for public bodies, cooperatives and Federal agencies (preference customers) that recovers the costs of Bonneville's current generating system and programs, including the Residential Exchange Program. Bonneville notes that these customers will be limited as to the amount of power that can be purchased at Tier 1 rates. Bonneville states that another set of rates (Tier 2) will be established to recover the costs of new generating resources. According to Bonneville, preference customers will be able to purchase power for their requirements that remain after purchasing up to their maximum MW at Tier 1 rates. Bonneville states that its Tiered Rates methodology is structured to keep separate the costs of resources recovered through Tier 1 rates from the costs of resources recovered through Tier 2 rates. Bonneville states that resources whose costs are recovered through Tier 2 rates will serve the load growth of preference customers.

39. Bonneville explains that, to implement the Tiered Rate methodology, it is now offering preference customers a new power sales agreement, a Regional Dialogue High Water Mark Contract, for power sales beginning in FY 2012. Bonneville notes that, for those preference customers that choose to execute this contract, there will be certain restrictions on the resources that these preference customers may exchange with Bonneville, identified in amended § 301.5(g). According to Bonneville, these restrictions are necessary to ensure that the separate ''cost pooling'' concept of tiered rates is maintained. Bonneville states that the Tiered Rate methodology features in its ASC methodology will only affect preference customers that execute this type of contract.

40. Bonneville notes that, although the Commission does not have jurisdiction over its average system cost determination for preference customers, those provisions of its ASC methodology will be used in its review of preference customers' average system costs. Bonneville, therefore, requests the Commission to retain these provisions in its final rule to maintain the continuity of its ASC methodology and for ease of reference for both Bonneville and its preference customers.

Comments

41. APAC notes that § 301.5(g) of the Commission's regulations incorporates the Tiered Rate methodology and the determination of High Water Marks.[38] APAC states that Tiered Rate methodology is still being finalized. APAC argues that, in that proceeding, it objected to the legality of the Tiered Rate methodology, arguing that it exceeded Bonneville's statutory

[32] *See, e.g.,* Avista comments at 12; Idaho Power comments at 14.

[33] *See supra* notes 19–22 and accompanying text.

[34] *See* Order No. 337, FERC Stats. & Regs. at ¶ 30,506 at 30,738.

[35] *See, e.g.,* Avista comments at 5; Idaho Power comments at 7.

[36] *See, e.g.,* Avista comments at 7; Idaho Power comments at 9.

[37] *See supra* notes 19–22 and accompanying text; *accord* Order No. 337, FERC Stats. & Regs. ¶ 30,506 at 30,738.

[38] *See* APAC comments at 2.

authority. Also, in that proceeding, APAC states that it challenged the determination of High Water Marks under the Tiered Rate methodology, arguing that certain industrial loads were not properly characterized. APAC requests the Commission not to grant approval for the ASC methodology in this proceeding until the Tiered Rate methodology is finalized by Bonneville and reviewed by the Commission.

Commission Determination

42. We decline to adopt APAC's request. APAC's arguments relate to the Tiered Rate methodology; that methodology is not the subject of this rulemaking proceeding. Bonneville's references to the Tiered Rate methodology in this rulemaking proceeding relate only to the interplay between the Tiered Rate methodology and the ASC methodology established in this final rule. That is, this ASC methodology final rule does not revise the Tiered Rate methodology. It merely specifies how the two methodologies will work in conjunction with one another. We note, further, that, since APAC's comments were filed in this proceeding, Bonneville filed its Tiered Rate methodology for Commission review.[39] To the extent that APAC objects to the Tiered Rate methodology, those objections are more appropriately raised in that proceeding.

III. Section-By-Section Description of Proposed Bonneville Amendments

43. In its comments on the interim rule, Bonneville submits proposed revisions and additions that are described in more detail below. We approve these revisions and additions, with minor editorial changes, as reflected in the regulatory text adopted here.

A. Section 301.1—Applicability

44. Bonneville requests the Commission to replace the language originally approved by the Commission for § 301.1 of the interim rule with the regulatory language that defined applicability prior to the interim rule. Bonneville believes that that language is more appropriate because its procedures for determining an average system cost should not be included in the Commission's final rule approving its ASC methodology.

B. Section 301.2—Definitions

45. Bonneville requests that the Commission add several definitions. Specifically, Bonneville requests the following terms be defined: Accounts; Average System Cost delta; Average System Cost forecast model; Average System Cost review process; Consumer-owned Utility; Direct Analysis; Escalator; Exchange Load; Functionalization; Global Insight; Net Requirements; Priority Firm Power; Rate Period; Rate Period High Water Mark Process (RHWM Process); RHWM Exchange Load; RHWM System Resources; Tier 1 Priced-Power; Tier 1 System Resources; and Tiered Rates Methodology. Bonneville notes that, in addition, it has clarified existing definitions and added statutory citations.

C. Section 301.3—Filing Procedures

46. Bonneville requests the Commission to remove the regulatory text in § 301.3(a)–(h). Bonneville explains that these regulations largely describe, in detail, its filing procedures during the transitional period (*i.e.,* FY 2009 and FY 2010–11), its ASC methodology review procedure filing requirements and instructions to exchanging utilities, its filing procedures, the utility's attestation responsibilities, and the process of determining and curing patently deficient filings. Going forward, according to Bonneville, a simple reference to its procedures will be sufficient for the Commission's regulations.[40]

D. Original § 301.4—Bonneville's ASC Methodology Review Process

47. Bonneville requests the Commission to delete § 301.4 as originally promulgated in the interim rule because it describes Bonneville's ASC review procedures and processes that the Commission does not have jurisdiction to review.

E. New § 301.4—Exchange Period Average System Cost Determination

1. Section 301.4(a)—Escalation to Exchange Period

48. Bonneville requests the Commission to revise the regulatory text to include the following: (1) Add a statement at the beginning of the section to explain the objective being met with the section; (2) to revise the description of the ''escalation codes'' to clarify the codes and the source of data for the codes; and (3) incorporate corrections made in its errata filing in September 2008.

2. Section 301.4(b)—Calculation of Sales for Resale and Power Purchases

49. Bonneville requests the Commission to revise the name of this subsection to clarify that the purpose of the subsection is to describe its ASC methodology for calculating the utility's sales for resale and power purchase, and to add headers to make it apparent which paragraphs apply to long-term/intermediate sales for resale and power purchases versus short-term sales for resale and power purchases. In addition, Bonneville proposes adding additional language to this subsection to clarify the provisions in this subsection.

3. Section 301.4(c)—Major Resource Additions and Reductions and Materiality Thresholds

50. Bonneville explains that amended § 301.4(c) is designed to calculate changes in average system cost when a utility obtains new resources or loses an existing resource. Bonneville proposes that language be added to § 301.4(c)(1) to clarify that a major resource addition or reduction must meet the criteria in § 301.5(c)(3), and meet the materiality test in § 301.4(c)(4). Bonneville also proposes added language and renumbered paragraphs in § 301.5(c) to clarify the existing regulatory text.

4. Section 301.4(d)—Forecasted Contract System Load and Exchange Load

51. Bonneville proposes minor revisions to § 301.4(d) and proposes to insert a sentence that was in its original filing but was left out of the interim rule approved by the Commission.

5. Section 301.4(e)—Load Growth Not Met by Major Resource Additions

52. Bonneville proposes minor textual changes to § 301.4(e)(1) and (e)(2). Bonneville also proposes to add language to § 301.4(e)(3) to provide greater detail and clarity regarding how surplus power from a major resource addition will be treated in Bonneville's average system cost forecast model.

6. Section 301.4(f)—Changes to Service Territory

53. Bonneville proposes minor clarifying corrections throughout § 301.4(f) to make the subsection more specific, describing in greater detail that the utility must file two Appendix 1s, and clarifying that the average system cost discussed in this section is the Base Period average system cost.

[39] *See United States Department of Energy—Bonneville Power Administration*, Docket No. EL09–12–000.

[40] The language adopted is similar to the language used for the prior ASC methodology. *See* 18 CFR 301.1(d).

7. Section 301.4(g)—Average System Cost Determination for Consumer-Owned Utilities That Elect To Execute Rate Period High Water Mark Contracts

54. Bonneville proposes to revise § 301.4(g) to use defined terms from its Tiered Rates Methodology, to change the order of the steps in §§ 301.4(g)(3) and (g)(4), and to combine the steps in §§ 301.4(g)(3) and (g)(5) into a new step in § 301.4(g)(4) to clarify calculation of the costs that will be excluded from the utility's average system cost.

8. Section 301.4(h)—Filing of Appendix 1

55. Bonneville proposes minor corrections throughout this subsection.

F. Section 301.5—Changes in Average System Cost Methodology

56. Bonneville proposes minor corrections throughout this section.

G. Original § 301.6—Sample Timeline Review Procedures

57. Bonneville requests the Commission to delete § 301.6 of the interim rule because the provisions are outside the purview of the Commission's review. Bonneville notes, however, that it will retain this section in its ASC review procedures.

H. New § 301.6—Appendix 1 Instructions

58. Bonneville proposes minor corrections to this section.

I. Section 301.7—Average System Cost Methodology Functionalization

59. Bonneville proposes revisions to this section to include the following: (1) Title correction; (2) addition of references to ''revenues, debits or credits'' throughout the section; (3) deletion of a sentence in § 301.9(d)(1) and addition of language to clarify that Accounts with conservation-related costs could be reviewed under a direct analysis subject to certain provisions; (4) deletion of ambiguous language in § 301.9(d)(2); (5) division of § 301.9(d)(3) into §§ 301.9(d)(3) and 301.9(d)(4); and (6) addition of a reference to ''conservation costs'' and deletion of a reference to ''Transmission and/or Distributor/Other'' in redesignated § 301.9(d)(4).

J. Table 1—Functionalization and Escalation Codes

60. Bonneville proposes to update the functionalization codes and make additional changes that will make the table consistent with § 301.5(b)(1) of the ASC methodology.

K. Appendix 1—ASC Utility Filing Template

61. Bonneville proposes the following revisions in Appendix 1: (1) Change the title of the template to ''ASC Utility Filing Template''; (2) incorporate errata corrections; (3) replace the phrase ''Residential Purchase Sales Agreement'' with the phrase ''ASC Utility Filing Template.''

L. Appendix 1 Endnotes

62. Bonneville proposes the following revisions in Appendix 1 Endnotes: (1) Add the phrase ''return on equity (ROE);'' and (2) delete Endnote K.[41]

M. Chief Financial Officer Attestation

63. Bonneville notes that the Commission did not include this attestation in its interim rule. Bonneville states that it agrees with the Commission's decision because this attestation relates to its average system cost review process and not to the Commission's review of the utility's ASC. Bonneville states that it will retain this attestation as a component of its average system cost review procedures.

IV. Paperwork Reduction Act Statement

64. A Paperwork Reduction Act Statement is not required for this final rule because the regulations approve a methodology used by a Federal power marketing administration, in this case Bonneville.

V. Environmental Analysis

65. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[42] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in these exclusions are Commission actions addressing proposed public utility rates and Commission confirmation, approval, and disapproval of rate filings submitted by Federal power marketing administrations under various statutes and regulations including the Northwest Power Act.[43] The actions taken here fall within this categorical exclusion in the Commission's regulations.

VI. Regulatory Flexibility Act

66. The Regulatory Flexibility Act of 1980 (RFA)[44] generally requires a description and analysis of the effect that a rule will have on small entities or a certification that a rule will not have a significant economic impact on a substantial number of small entities.

67. The Commission concludes that this final rule will not have a significant economic impact on a substantial number of small entities. Bonneville is a Federal power marketing administration. And the investor-owned utilities which are participating in the Residential Exchange Program and which, as public utilities under the FPA, make ASC-related filings with the Commission are not small entities.[45] Moreover, the number of public utilities participating in the program is not substantial; only nine public utilities, whose rates are within the Commission's jurisdiction, are participating in the program.

VII. Document Availability

68. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's home page *http://www.ferc.gov* and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

69. From the Commission's home page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the document number excluding the last three digits of this document in the docket number field.

70. User assistance is available for eLibrary and the Commission's Web site during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or e-mail at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. E-mail the Public Reference Room at *publicreferenceroom@ferc.gov.*

[41] Endnote K does not appear in the interim rule. Bonneville proposed including Endnote K in its September 2008 errata filing. Since the Commission is accepting Bonneville's revised regulatory text, further specific action by the Commission is not needed.

[42] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

[43] 18 CFR 380.4(a)(15).

[44] 5 U.S.C. 601–12.

[45] 5 U.S.C. 602(3) *citing* section 3 of the Small Business Act, 15 U.S.C. 632. Section 3 of the Small Business Act defines ''small business concern'' as a business which is independently owned and operated, and which is not dominant in its field of operation.

VIII. Effective Date

Given that this final rule establishes the methodology that Bonneville Power Administration will apply to determine average system costs, and thus what Bonneville will pay, this final rule meets the exception provisions of 5 U.S.C. 804(3)(A). This final rule is effective October 15, 2009.

List of Subjects in 18 CFR Part 301

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By the Commission.

Kimberly D. Bose,

Secretary.

■ In consideration of the foregoing, the Commission amends part 301, Title 18, Chapter I of the *Code of Federal Regulations,* as follows:

■ 1. Part 301 is revised to read as follows:

PART 301—AVERAGE SYSTEM COST METHODOLOGY FOR SALES FROM UTILITIES TO BONNEVILLE POWER ADMINISTRATION UNDER NORTHWEST POWER ACT

Sec.
301.1 Applicability.
301.2 Definitions.
301.3 Filing procedures.
301.4 Exchange Period Average System Cost determination.
301.5 Changes in Average System Cost methodology.
301.6 Appendix 1 instructions.
301.7 Average System Cost methodology functionalization.
Table 1 to Part 301—Functionalization and Escalation Codes
Appendix 1 to Part 301—ASC Utility Filing Template

Authority: 16 U.S.C. 839–839h.

§ 301.1 Applicability.

The regulations in this part apply to the sales of electric power by any Utility to the Bonneville Power Administration (Bonneville) under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act). 16 U.S.C. 839c(c).

§ 301.2 Definitions.

For purposes of this section, the following definitions apply:

Account(s). The Accounts prescribed in the Commission's Uniform System of Accounts in part 101 of this chapter.

Appendix 1. Appendix 1 is the electronic form on which a Utility reports its Contract System Cost, Contract System Load, and other necessary data to Bonneville for the calculation of the Utility's Average System Cost.

Average System Cost (ASC). The rate charged by a Utility to Bonneville for the agency's purchase of power from the Utility under section 5(c) of the Northwest Power Act for each Exchange Period, and the quotient obtained by dividing Contract System Cost by Contract System Load. 16 U.S.C. 839c(c).

Average System Cost delta (ASC delta). The change in a Utility's ASC during the Exchange Period resulting from the inclusion in the Average System Cost forecast model of costs, loads, revenues, and other information related to the commercial operation of a major resource addition or reduction that was identified in the Utility's ASC filing.

Average System Cost forecast model (ASC forecast model). The model Bonneville uses to escalate a Utility's costs, revenues, and other information contained in the Appendix 1 to calculate the Exchange Period ASC.

Average System Cost review process (ASC review process). The administrative proceeding conducted before Bonneville under Bonneville's ASC review procedures in which a Utility's ASC is determined.

Base Period. The calendar year of the most recent Form 1 data.

Base Period ASC. The ASC determined in the Review Period using the Utility's Base Period data and additional specified data.

Contract High Water Mark (CHWM). The average MW amount used to define access to Tier 1 Priced-Power. CHWM is equal to the adjusted historical load for each customer proportionately scaled to Tier 1 System Resources and adjusted for conservation achieved. The CHWM is specified in each eligible customer's CHWM Contract.

Commission. Federal Energy Regulatory Commission.

Consumer-owned Utility. A public body or cooperative that is eligible to purchase preference power from Bonneville under section 5(b) of the Northwest Power Act. 16 U.S.C. 839c(b).

Contract System Cost. The Utility's costs for production and transmission resources, including power purchases and conservation measures, which costs are includable in, and subject to, the provision of Appendix 1. Under no circumstances will Contract System Cost include costs excluded from ASC by section 5(c)(7) of the Northwest Power Act. 16 U.S.C. 839c(c)(7).

Contract System Load. The total regional retail load included in the most recently filed FERC Form 1 or, for a Consumer-owned Utility, the total retail load from the most recent annual audited financial statement, as adjusted pursuant to the ASC methodology.

Direct Analysis. An analysis, including supporting documentation, prepared by the Utility that assigns the costs, debits, credits, and revenues in an Account to the Production, Transmission, and/or Distribution/Other functions of the Utility.

Escalator. A factor used to adjust an Account in the Base Period ASC filing to the value for the period of the Exchange Period ASC.

Exchange Load. All residential, apartment, seasonal dwelling and farm electrical loads eligible for the Residential Exchange Program under the terms of a Utility's Residential Purchase and Sales Agreement.

Exchange Period(s). The period during which a Utility's Bonneville-approved ASC is effective for the calculation of the Utility's Residential Exchange Program benefits. The initial Exchange Period under this ASC methodology is from October 1, 2008, through September 30, 2009. Subsequent Exchange Periods will be the period of time concurrent with Bonneville's wholesale power rate periods beginning October 1 or, if not beginning October 1, then beginning on the effective date of Bonneville's subsequent wholesale power rate periods.

Exchange Period ASC. The Base Period ASC escalated to a year(s) consistent with the Exchange Period.

FERC Form 1. The annual filing submitted to the Federal Energy Regulatory Commission, required by 18 CFR 141.1.

Functionalization. The process of assigning a Utility's costs, debits, credits, and revenues in an Account to the Production, Transmission, and/or Distribution/Other functions of the Utility.

Global Insight. The company that provides the escalation factors identified in § 301.4(a)(3) that are used in the ASC forecasting model, or the successor or replacement of that company, as determined by Bonneville.

Jurisdiction. The service territory of the Utility within which a particular regulatory body has authority to approve the Utility's retail rates. Jurisdictions must be within the Pacific Northwest region as defined in section 3(14) of the Northwest Power Act. 16 U.S.C. 839a(14).

Labor Ratios. The ratios that assign costs on a *pro rata* basis using salary and wage data for Production, Transmission, and Distribution/Other functions included in the Utility's most recently filed FERC Form 1. For Consumer-owned Utilities, comparable

data will be utilized based on the cost-of-service study used as the basis for retail rates at the time of review.

Net Requirements. The amount of Federal power that a Consumer-owned Utility is entitled to purchase from Bonneville under section 5(b) of the Northwest Power Act. 16 U.S.C. 839c(b).

New Large Single Load. That load defined in section 3(13) of the Northwest Power Act, and determined by Bonneville as specified in power sales contracts and Residential Purchase and Sales Agreements with its Regional Power Sales Customers. 16 U.S.C. 839a(13).

Priority Firm Power. Priority Firm Power is electric power (capacity and energy) that Bonneville will make continuously available for direct consumption or resale to public bodies, cooperatives, and Federal Agencies (under the Priority Firm Preference rate) and to Utilities participating in the Residential Exchange Program (under the Priority Firm Exchange rate). Utilities participating in the Residential Exchange Program under section 5(c) of the Northwest Power Act may purchase Priority Firm Power under their Residential Purchase and Sales Agreements with Bonneville. Priority Firm Power is not available to serve New Large Single Loads. Deliveries of Priority Firm Power may be reduced or interrupted as permitted by the terms of the Utilities' power sales contracts and/or Residential Purchase and Sales Agreements with Bonneville.

Public Purpose Charge. Any charge based on a Utility's total retail sales in a Jurisdiction that is provided to independent entities or agencies of state and local governments for the purpose of funding within the Utility's service territory one or both of the following:

(a) Conservation programs in lieu of Utility conservation programs; or

(b) Acquisition of renewable resources.

Rate Period. The period during which Bonneville's wholesale power rates are effective. The period is coincident with the Exchange Period.

Rate Period High Water Mark (RHWM). The amount used to define each customer's eligibility to purchase Tier 1 Priced Power for the relevant Rate Period, subject to the customer's Net Requirement expressed in average megawatts (aMW). RHWM is equal to the customer's CHWM as adjusted for changes in Tier 1 System Resources. The RHWM is determined for each eligible customer in the RHWM Process preceding each Bonneville wholesale power rate case.

Rate Period High Water Mark Process (RHWM Process). The process or processes where each eligible Consumer-owned Utility RHWM is determined.

Regional Power Sales Customer. Any entity that contracts directly with Bonneville for the purchase of power under sections 5(b) (16 U.S.C. 839c(b)), 5(c) (16 U.S.C. 839c(c)), or 5(d) (16 U.S.C. 839c(d)) of the Northwest Power Act for delivery in the Pacific Northwest region as defined by section 3(14) of the Northwest Power Act. 16 U.S.C. 839a(14).

Residential Purchase and Sales Agreement. The contract under section 5(c) of the Northwest Power Act between Bonneville and a Utility that defines and implements the power purchase and sale under the Residential Exchange Program.

Review Period. The period of time during which a Utility's Appendix 1 is under review by Bonneville. The Review Period begins on or about June 1, and ends on or about November 15 of the fiscal year prior to the fiscal year Bonneville implements a change in wholesale power rates.

Regulatory Body. A state commission, Consumer-owned Utility governing body, or other entity authorized to establish retail electric rates in a Jurisdiction.

RHWM Exchange Load. The Exchange Load as determined in section 20 of the Residential Purchase and Sales Agreement.

RHWM System Resources. The Rate Period High Water Mark (RHWM) as calculated in section 4.2.1 of the Tiered Rates Methodology plus the resource amounts used in calculating a customer's Contract High Water Mark (CHWM).

Tier 1 Priced-Power. Priority Firm Power as defined in Bonneville's Tiered Rates Methodology.

Tier 1 System Resources. Resources as defined in Bonneville's Tiered Rates Methodology.

Tiered Rates Methodology. The long-term methodology established by Bonneville for the determination of tiered wholesale power rates.

Utility. A Regional Power Sales Customer that has executed a Residential Purchase and Sales Agreement.

§ 301.3 Filing procedures.

(a) *Bonneville's ASC review procedures*. The procedures established by Bonneville's Administrator provide the filing requirements for all Utilities that file an Appendix 1 with Bonneville. Utilities must file Appendix 1s, ASC forecast models, and other required documents with Bonneville in compliance with Bonneville's ASC review procedures.

(b) *Exchange Period*. The Exchange Period will be equal to the term of Bonneville's Rate Period. ASCs will change during the Exchange Period only for the reasons provided in § 301.4.

§ 301.4 Exchange Period Average System Cost determination.

(a) *Escalation to Exchange Period*.

(1) This section describes the method Bonneville will use to escalate the Base Period ASC to and through the Exchange Period to calculate the Exchange Period ASC.

(2) Bonneville will escalate the Bonneville-approved Base Period ASC to the midpoint of the fiscal year for a one-year Rate Period/Exchange Period, and to the midpoint of the two-year period for a two-year Rate Period/Exchange Period to calculate Exchange Period ASCs.

(3) For purposes of the escalation referenced in paragraph (a)(2) of this section, Bonneville will use the following codes in the ASC forecast model to calculate the Exchange Period ASCs:

(i) A&G—Administrative and General.

(ii) CACNT—Customer Account.

(iii) CD—Construction, Distribution Plant.

(iv) CONSTANT—Constant.

(v) CSALES—Customer Sales.

(vi) CSERVE—Customer Service.

(vii) COAL—Coal.

(viii) DMN—Distribution Maintenance.

(ix) DOPS—Distribution Operations

(x) HMN—Hydro Maintenance.

(xi) HOPS—Hydro Operations.

(xii) INF—Inflation.

(xiii) NATGAS—Natural Gas.

(xiv) NFUEL—Nuclear Fuel.

(xv) NMN—Nuclear Maintenance.

(xvi) NOPS—Nuclear Operations.

(xvii) OMN—Other Production Maintenance.

(xviii) OOPS—Other Production Operations.

(xix) SNM—Steam Maintenance.

(xx) SOPS—Steam Operations.

(xxi) TMN—Transmission Maintenance.

(xxii) TOPS—Transmission Operations.

(xxiii) WAGES—Wages.

(4) Table 1 identifies which codes from paragraph (a)(3) of this section apply to the line items and associated FERC Accounts in the Appendix 1. Bonneville will use Global Insight as the source of data for the escalation codes indentified in paragraph (a)(3) of this section, except for the NATGAS and CONSTANT codes. For the NATGAS code identified in paragraph (a)(3)(xiii)

of this section, Bonneville will calculate the escalation rate using Bonneville's most current forecast of natural gas prices. The code CONSTANT in paragraph (a)(3)(iv) of this section indicates that no escalation to the Account will be made.

(5) Bonneville will base the costs of power products purchased from Bonneville on Bonneville's forecast of prices for its products.

(6) Bonneville will escalate the Public Purpose Charge forward to the midpoint of the Exchange Period by the same rate of growth as total Contract System Load.

(7) If any of the escalators specified in paragraph (a) of this section are no longer available, Bonneville will designate a replacement source of such escalator(s) that, as near as possible, replicates the results produced by the prior escalator. If a replacement source is not available, Bonneville will use the INF escalation code identified in paragraph (a)(3)(xii) of this section as the replacement escalator.

(b) *Calculation of sales for resale and power purchases*—

(1) *Long-term and intermediate-term sales for resale and power purchases.* Bonneville will use the INF escalation code identified in paragraph (a)(3)(xii) of this section to escalate long-term and intermediate-term (as defined by the Commission) firm purchased power costs and long-term and intermediate-term sales for resale revenues.

(2) *Short-term sales for resale and power purchases.*

(i) The short-term purchases and short-term sales for resale for the Base Period will be used as the starting values. A Utility will be allowed to include new plant additions, and to use a utility-specific forecast for the price of purchased power and for the price of sales for resale in order to value purchased power expenses and sales for resale revenue to be included in the Exchange Period ASC.

(ii) Bonneville will use the following method to determine separate market prices to forecast short-term purchased power expenses and sales for resale revenues to calculate Exchange Period ASCs:

(A) The Utility's average short-term purchased power price and short-term sales for resale price will be calculated for each year for the most recent three years of actual data (Base Period and prior two years).

(B) The midpoint between the Utility's average short-term purchased power price and the average short-term sales for resale price will be calculated for each of the years in paragraph (b)(2)(ii)(A) of this section.

(C) The percentage spread around the Utility's midpoint between the average short-term purchase power price and short-term sales for resale price will be calculated for each of the years identified in paragraph (b)(2)(ii)(A) of this section.

(D) A weighted average spread for the Utility's most recent three years of actual data (Base Period and prior two years) will be calculated. The following weighting scale will be used:

(*1*) Three (3) times Base Period spread.

(*2*) Two (2) times (Base Period minus 1) spread.

(*3*) One (1) time (Base Period minus 2) spread.

(E) The Base Period midpoint calculated in paragraph (b)(2)(ii)(B) of this section will be escalated at the same rate as Bonneville's electric market price forecast.

(F) The weighted average spread calculated in paragraph (b)(2)(ii)(D) of this section will be applied to the escalated midpoint price calculated in paragraph (b)(2)(ii)(E) of this section to determine the purchased power price and sales for resale price to value purchased power expenses and sales for resale revenues to be included in the Exchange Period ASC.

(iii) The method described in paragraph (b)(2)(ii) of this section will be used to forecast the electric market price for power purchases needed to meet load growth not met by major resource additions, and to forecast the electric market price for any additional surplus power sales resulting from major resource additions.

(c) *Major resource additions and reductions and materiality thresholds.*

(1) During the Exchange Period, Bonneville will allow changes to a Utility's ASC to account for major resource additions or reductions that are used to meet a Utility's retail load. These changes, however, must meet the requirements of paragraph (c)(3) of this section and the materiality threshold described in paragraph (c)(4) of this section in order for Bonneville to allow an ASC to change. The ASC reflecting the major resource addition or reduction will be determined by Bonneville in the ASC review process during the Review Period.

(2) For major resource additions, the change to ASC will become effective when the resource begins commercial operation, or power is received under the purchased power contract. For major resource reductions, the change to ASC will become effective when the resource is sold, retired, or transferred.

(3) A major resource addition or reduction must be related to one or more of the following categories to be eligible for consideration as a major resource:

(i) Production or generating resource investments;

(ii) Transmission investments;

(iii) Long-term generating contracts;

(iv) Pollution control and environmental compliance investments relating to generating resources;

(v) Long-term transmission contracts;

(vi) Hydroelectric relicensing costs and fees; and

(vii) Plant rehabilitation investments.

(4) Major resource additions or reductions that meet the criteria identified in paragraph (c)(3) of this section will be allowed to change a Utility's ASC within an Exchange Period provided that the major resource addition or reduction results in a 2.5 percent or greater change in a Utility's Base Period ASC. Bonneville will allow a Utility to submit stacks of individual resources that, when combined, meet the 2.5 percent or greater materiality threshold, provided, however, that each resource in the stack must result in a change to the Utility's Base Period ASC of 0.5 percent or more.

(5) At the time the Utility submits its Appendix 1 filing, the Utility will provide its forecast of major resource additions or reductions and all associated costs. The forecast will cover the period from the end of the Base Period to the end of the Exchange Period.

(6) Bonneville will calculate new transmission wheeling revenues associated with new transmission investment using the following formula:

TTWR = WR (before additions) * [(NTP (before additions) + NTA)/NTP (before additions)]

Where:

TTWR = total transmission wheeling revenues

WR (before additions) = wheeling revenues (before additions)

NTA = new transmission additions

NTP (before additions) = Net Transmission Plant (before additions)

(7) The forecast of major resource additions or reduction costs to be included in the Utility's Exchange Period ASC will be reviewed by Bonneville in the ASC review process that is conducted during the Review Period.

(8) All major resources included in an ASC calculation prior to the start of the Exchange Period will be projected forward to the midpoint of the Exchange Period.

(9) For each major resource addition or reduction that is forecasted to occur during the Exchange Period, Bonneville

will calculate the difference in ASC between the ASC without the major resource addition or reduction and the ASC with the major resource addition or reduction (ASC delta) at the midpoint of the Exchange Period.

(10) Once the major resource addition or reduction becomes effective, as determined by paragraph (c)(2) of this section, Bonneville will add the ASC delta to the Utility's existing ASC to determine its new ASC.

(11) For purposes of calculating ratios with Distribution Plant, Bonneville will escalate the Base Period average per-MWh cost of Distribution Plant forward to the midpoint of the Exchange Period, and use the escalated average cost to determine the distribution-related cost of meeting load growth since the Base Period.

(12) Bonneville will escalate the cost of General Plant, Accounts 389 through 399.1, forward to the midpoint of the Exchange Period by calculating the ratio of each Account's value in the Base Period to the sum of Production, Transmission, and Distribution plant values in the Base Period, and then multiplying the Base Period ratio times the forecasted value for Production, Transmission, and Distribution plant.

(13) Bonneville will issue procedural rules to ensure the confidentiality of information provided by Utilities regarding any major resource additions or reductions as part of its review process. Bonneville will provide parties with an opportunity to comment on the rules prior to their implementation in the review process. Failure to provide needed information may result in exclusion of the related costs from the Utility's ASC. However, load growth will be assumed to be met with purchases in the wholesale market, as described in paragraph (e) of this section. If the Utility fails to supply confidential resource data, it loses the difference between the cost of the resource and the price of electricity in the wholesale market.

(d) *Forecasted Contract System Load and Exchange Load.* All Utilities are required to provide a forecast of their Contract System Load and associated Exchange Load, as well as a current distribution loss analysis as described in Endnote e of Appendix 1, with their Appendix 1 filings. The load forecast for Contract System Load and Exchange Load will start with the Base Period and extend through four (4) years after the Exchange Period. The load forecast for Contract System Load and Exchange Load will be provided on a monthly basis for the Exchange Period.

(e) *Load growth not met by major resource additions.* All forecast load growth not met by major resource additions will be met by purchased power at the forecasted utility-specific, short-term purchased power price.

(1) The Utility's forecast Load Growth will be met with electric market purchases priced at the Utility's forecast short-term purchased power price as determined in paragraph (b) of this section unless the Utility forecasts major resource additions.

(2) In the event of major resource additions, forecast Load Growth will be met by the major resource(s). If the major resource is less than total forecast load growth, the unmet Load Growth will be met with electric market purchases priced at the Utility's forecast short-term purchased power price.

(3) In the event the power provided by a major resource exceeds the Utility's forecast Load Growth, the excess power will be used to reduce the Utility's short-term purchases. If short-term power purchases are reduced to zero, any remaining power will be sold as surplus power at the short-term sales for resale price as determined in paragraph (b) of this section.

(f) *Changes to service territory.* In the event a Utility forecasts that it will acquire a new service territory, or lose a portion of its existing service territory, and the gain or loss of that territory results in a 2.5 percent or greater change to the Utility's Base Period ASC, the Utility must file two Appendix 1 filings with Bonneville as follows:

(1) First, a Base Period ASC that does not reflect the acquisition or loss of service territory; and

(2) Second, a Base Period ASC that incorporates the following changes:

(i) A forecast of the increase or reduction in Contract System Load associated with the acquisition or reduction in service territory.

(ii) A forecast of the increase or reduction in Contract System Cost associated with the acquisition or reduction of the service territory.

(iii) A forecast of capital and operating cost increases or reductions associated with the change in service territory.

(iv) A forecast of the changes in purchased power expenses, sales for resale revenues, and other debits or credits based on the changes in the service territory.

(3) Because the date of the actual change to the Utility's service territory could differ from the forecast date used to determine the ASC during the Review Period, Bonneville will not adjust the Utility's ASC until the change in service territory takes place.

(g) *ASC determination for Consumer-owned Utilities that elect to execute Regional Dialogue High Water Mark contracts.* For Consumer-owned Utilities that elect to execute Regional Dialogue CHWM contracts, Bonneville will use the following approach:

(1) Use the RHWM System Resources as determined in the Tiered Rates Methodology (TRM) process.

(2) Determine the RHWM Exchange Load.

(3) Calculate the Utility's Contract System Cost as described in the ASC Methodology.

(4) Determine the fully allocated cost of resources used to meet Contract System Load that is not met by:

(i) The lesser of the Utility's RHWM or Forecast New Requirement, plus

(ii) Existing Resources for CHWM (as defined in the Tiered Rates Methodology).

(5) RHWM Contract System Cost = Contract System Cost minus fully allocated cost of resources (from paragraph (g)(4) of this section).

(6) RHWM Average System Cost = RHWM Contract System Cost (from paragraph (g)(5) of this section)/RHWM System Resource (from paragraph (g)(1) of this section).

(h) *Filing of Appendix 1.* Utilities must file an Appendix 1, including ASC information, by June 1 of each year, as required in § 301.3, for Bonneville's review and determination of a Base Period ASC. Utilities will file multiple, contingent, Base Period ASC filings to reflect changes to service territories as required in paragraph (f) of this section.

§ 301.5 Changes in Average System Cost methodology.

(a) The Administrator, at his or her discretion, or upon written request from three-quarters of the utilities that are parties to contracts authorized by section 5(c) of the Northwest Power Act, or from three-quarters of Bonneville's preference customers, or from three-quarters of Bonneville's direct-service industrial customers may initiate a consultation process as provided in section 5(c) of the Northwest Power Act. After completion of this process, Bonneville's Administrator may file the new ASC methodology with the Commission.

(b) The Administrator will not initiate any consultation process until one year of experience has been gained under the then-existing ASC methodology, that is, one year after the then-existing ASC methodology is adopted by Bonneville and approved by the Commission, through interim or final approval, whichever occurs first.

(c) The Administrator may, from time to time, issue interpretations of the ASC methodology. The Administrator also

may modify the functionalization code of any Account to comply with the limitations identified in sections 5(c)(7)(A)–(C) of the Northwest Power Act or to conform to Commission revisions to the Uniform System of Accounts.

§ 301.6 Appendix 1 instructions.

(a) Appendix 1 is the form on which a Utility reports its Contract System Cost, Contract System Load, and other necessary data for the calculation of ASC. Appendix 1 is an electronic template consisting of seven schedules and several supporting files that must be completed by the Utility in accordance with these instructions and with the provisions of the endnotes following the schedules.

(b) Appendix 1 filings must be accompanied by an attestation statement of the Chief Financial Officer of the Utility or other responsible official who possesses the financial and accounting knowledge necessary to complete the attestation statement.

(c) The primary source of data for the Investor-owned Utilities' Appendix 1 filings is the Utility's prior year FERC Form 1 filings with the Commission. Any items not applicable to the Utility must be identified.

(d) For Consumer-owned Utilities that do not follow the Commission's Uniform System of Accounts, filings must include reconciliation between Utility Accounts and the items allowed as Contract System Cost. In addition, the cost-of-service report must be reviewed by an independent accounting or consulting firm, and must be accompanied by a report from that independent accounting or consulting firm that outlines the review work that was performed in preparing the cost-of-service report along with an assurance statement that the information contained in the cost-of-service report is presented fairly in all material respects.

(e) The Appendix 1 template is available electronically at *http://www.bpa.gov/corporate/finance/ascm/*. The primary schedules are:

(1) Schedule 1: Plant Investment/Rate Base

(2) Schedule 1A: Cash Working Capital

(3) Schedule 2: Capital Structure and Rate of Return

(4) Schedule 3: Expenses

(5) Schedule 3A: Taxes

(6) Schedule 3B: Other Included Items

(7) Schedule 4: Average System Cost

(f) The filing Utility must reference and attach work papers, documentation and other required information that support costs and loads, including details of allocation and functionalization. All references to the Commission's Accounts are to the Commission's Uniform System of Accounts, as amended by subsequent Commission actions. The costs includable in the attached schedules are those includable by reason of the definitions in the Commission's Accounts. If the Commission's Accounts are later revised or renumbered, any changes will be incorporated into the Appendix 1 by reference, except to the extent Bonneville determines that a particular change results in a change in the type of costs allowable for Residential Exchange Program purposes. In that event, Bonneville will address the changes, including escalation rules, in its review process for the following Exchange Period.

(g) Bonneville may require a Utility to account for all transactions with affiliated entities as though the affiliated entities were owned in whole or in part by the Utility, if necessary, to properly determine and/or functionalize the Utility's costs.

(h) A Utility operating in more than one Pacific Northwest Jurisdiction must file one Appendix 1.

(i)(1) A Utility operating in a Jurisdiction within the Pacific Northwest and within Jurisdictions outside the Pacific Northwest must allocate its total system costs among its Jurisdictions within the Pacific Northwest and outside the Pacific Northwest in accord with the same allocation methods and procedures used by the Regulatory Body(ies) to establish Jurisdictional costs and resulting revenue requirements. The Utility's Appendix filing must include details of the allocation.

(2) The allocation must exclude all costs of additional resources used to meet loads outside the Pacific Northwest, as required by section 5(c)(7) of the Northwest Power Act. All schedule entries and supporting data must be in accord with Generally Accepted Accounting Principles and Practices as these principles and practices apply to the electric utility industry.

(j) A Utility must file an attestation statement with each Appendix 1 filing and supporting documentation for each Review Period.

§ 301.7 Average System Cost methodology functionalization.

(a) Functionalization of each Account included in a Utility's ASC must be according to the functionalization prescribed in Table 1, *Functionalization and Escalation Codes*. Direct analysis on an Account may be performed only if Table 1 states specifically that a Utility may perform a direct analysis on the Account, with the exception of conservation costs. Utilities will be able to functionalize all conservation-related costs to Production, regardless of the Account in which they are recorded. The direct analysis must be consistent with the directions provided in this section.

(b) *Functionalization codes.*

(1) DIRECT—Direct Analysis.

(2) PROD—Production.

(3) TRANS—Transmission.

(4) DIST—Distribution/Other.

(5) PTD—Production, Transmission, Distribution/Other Ratio.

(6) TD—Transmission, Distribution/Other Ratio.

(7) GP—General Plant Ratio.

(8) GPM—General Plant Maintenance Ratio.

(9) PTDG—Production, Transmission, Distribution/Other, General Plant Ratio.

(10) LABOR—Labor Ratio.

(c) *Functionalization requirements.*

(1) Functionalization of certain Accounts may be based on Direct Analysis or with a default ratio associated with that specific Account as shown in Table 1. Once a Utility uses a specific functionalization method for an Account, the Utility may not change the functionalization method for that Account without prior written approval from Bonneville.

(2) The Utility must submit with its Appendix 1 all work papers, documents, or other materials that demonstrate that the functionalization under its Direct Analysis assigns costs, revenues, debits or credits based upon the actual and/or intended functional use of those items. Failure to submit the documentation will result in the entire account being functionalized to Distribution/Other, or Production, or Transmission, as appropriate.

(d) *Functionalization methods.*

(1) Direct analysis, if allowed or required by Table 1, assigns costs, revenues, debits and credits to the Production, Transmission, and/or Distribution/Other function of the Utility. The only exception to this requirement is for Accounts that include conservation-related costs. Subject to the provisions of paragraph (d)(4) of this section, a Utility may conduct a Direct Analysis on any Account that contains conservation-related costs. The Direct Analysis performed by a Utility is subject to Bonneville review and approval.

(2) Bonneville will not allow a Utility to use a combination of Direct Analysis and a prescribed functionalization method for the same Account. The Utility can develop and use a functionalization ratio, or use a

prescribed functionalization method, if the Utility, through Direct Analysis, can justify how the ratio reflects the functional nature of the costs, revenues, debits, or credits included in any Account.

(3) A Utility that wishes to include advertising and promotion costs related to conservation will use Direct Analysis.

(4) If a Utility records conservation costs in an Account that is functionalized to Distribution/Other, the Utility will identify and document the conservation-related costs included in the Account, and the balance of the costs will be functionalized to Distribution/Other. The presence of conservation-related costs in an Account does not authorize the Utility to perform a Direct Analysis on the entire Account. This option allows a Utility to assign conservation costs in the specified Account to Production based on analysis and support from the Utility that demonstrates the cost assignment is appropriate. The Utility must submit with its ASC filing all work papers, documents, and other materials that demonstrate the functionalization contained in its Direct Analysis and assign costs based upon the actual and/or intended functional use of those items. Failure to submit the documentation will result in the entire Account being functionalized to Distribution/Other for all schedules with the exception of items included in Schedule 3B, *Other Included Items,* where certain Accounts must be functionalized to Production as appropriate.

Table 1 to Part 301—Functionalization and Escalation Codes

BILLING CODE 6717–01–P

Table 1: Functionalization and Escalation Codes

BONNEVILLE POWER ADMINISTRATION
2008 Average System Cost Methodology
Functionalization and Escalation Codes

Account Description	Acct No.	Functionalization Codes		Escalation Codes
		Method	Default	
Schedule 1: Plant Investment/Rate Base				
Intangible Plant:				
Intangible Plant - Organization	301	DIST		CONSTANT
Intangible Plant - Franchises and Consents	302	DIRECT	PTD	CONSTANT
Intangible Plant - Miscellaneous	303	DIRECT	DIST	CONSTANT
Production Plant:				
Steam Production	310-317	PROD		CONSTANT
Nuclear Production	320-326	PROD		CONSTANT
Hydraulic Production	330-337	PROD		CONSTANT
Other Production	340-347	PROD		CONSTANT
Transmission Plant:				
Transmission Plant	350-359.1	TRANS		CONSTANT
Distribution Plant:				
Distribution Plant	360-374	DIST		CD
General Plant:				
Land and Land Rights	389	PTD		CONSTANT
Structures and Improvements	390	PTD		CONSTANT
Furniture and Equipment	391	LABOR		CONSTANT
Transportation Equipment	392	TD		CONSTANT
Stores Equipment	393	PTD		CONSTANT
Tools, Shop and Garage Equipment	394	PTD		CONSTANT
Laboratory Equipment	395	PTD		CONSTANT
Power Operated Equipment	396	TD		CONSTANT
Communication Equipment	397	PTD		CONSTANT
Miscellaneous Equipment	398	PTD		CONSTANT
Other Tangible Property	399	DIRECT	PTD	CONSTANT
Asset Retirement Costs for General Plant	399.1	PTD		CONSTANT
Depreciation Reserve:				
Steam Production Plant	108	PROD		CONSTANT
Nuclear Production Plant	108	PROD		CONSTANT
Hydraulic Production Plant	108	PROD		CONSTANT
Other Production Plant	108	PROD		CONSTANT
Transmission Plant	108	TRANS		CONSTANT
Distribution Plant	108	DIST		CONSTANT
General Plant	108	GP		CONSTANT
Amortization of Intangible Plant - Account 301	111	DIST		CONSTANT
Amortization of Intangible Plant - Account 302	111	DIRECT	PTD	CONSTANT
Amortization of Intangible Plant - Account 303	111	DIRECT	DIST	CONSTANT
Mining Plant Depreciation	108	PROD		CONSTANT
Amortization of Plant Held for Future Use	111	DIST		CONSTANT
Capital Lease - Common Plant	108	DIRECT		CONSTANT
Leasehold Improvements	108	DIRECT	DIST	CONSTANT

Table 1: Functionalization and Escalation Codes

BONNEVILLE POWER ADMINISTRATION
2008 Average System Cost Methodology
Functionalization and Escalation Codes

Account Description	Acct No.	Functionalization Codes		Escalation Codes
		Method	Default	
In-Service: Depreciation of Common Plant	108	DIRECT		CONSTANT
Amortization of Other Utility Plant	108	DIRECT	DIST	CONSTANT
Amortization of Acquisition Adjustments	115	DIRECT		CONSTANT
Depreciation and Amortization Reserve (Other)		DIRECT	N/A	CONSTANT
Cash Working Capital:				
(Utility Plant) Held For Future Use	105	DIST		CONSTANT
(Utility Plant) Completed Construction - Not Classified	106	PTD		CONSTANT
Nuclear Fuel	120.2-120.6	PROD		NFUEL
Construction Work in Progress (CWIP)	107&120.1	DIST		CONSTANT
Common Plant		DIRECT	N/A	CONSTANT
Acquisition Adjustments (Electric)	114	DIRECT	DIST	CONSTANT
Other Property and Investments:				
Investment in Associated Companies	123.1	DIRECT	DIST	CONSTANT
Other Investment	124	DIST		CONSTANT
Long-Term Portion of Derivative Assets	175	DIST		CONSTANT
Long-Term Portion of Derivative Assets - Hedges	176	DIST		CONSTANT
Current and Accrued Assets:				
Fuel Stock	151	PROD		COAL
Fuel Stock Expenses Undistributed	152	PROD		CONSTANT
Plant Materials and Operating Supplies	154	PTD		INF
Merchandise (Major Only)	155	DIST		INF
Other Materials and Supplies (Major only)	156	DIST		INF
EPA Allowance Inventory	158.1	PROD		CONSTANT
EPA Allowances Withheld	158.2	PROD		CONSTANT
Stores Expense Undistributed	163	PTD		INF
Prepayments	165	PTD		CONSTANT
Derivative Instrument Assets	175	DIST		CONSTANT
Less: Long-Term Portion of Derivative Assets	175	DIST		CONSTANT
Derivative Instrument Assets – Hedges	176	DIST		CONSTANT
Less: Long-Term Portion of Derivative Assets - Hedges	176	DIST		CONSTANT
Deferred Debits:				
Unamortized Debt Expenses	181	PTDG		CONSTANT
Extraordinary Property Losses	182.1	DIRECT	DIST	CONSTANT
Unrecovered Plant and Regulatory Study Costs	182.2	DIRECT	DIST	CONSTANT
Other Regulatory Assets	182.3	DIRECT	DIST	CONSTANT
Preliminary Survey and Investigation Charges (Electric)	183	DIST		CONSTANT
Preliminary Natural Gas Survey and Investigation Charges	183.1	DIST		CONSTANT
Other Preliminary Survey and Investigation Charges	183.2	DIST		CONSTANT
Clearing Accounts	184	DIST		CONSTANT
Temporary Facilities	185	PTDG		CONSTANT
Miscellaneous Deferred Debits	186	DIRECT	DIST	CONSTANT
Deferred Losses from Disposition of Utility Plant	187	DIRECT	N/A	CONSTANT

Table 1: Functionalization and Escalation Codes

BONNEVILLE POWER ADMINISTRATION
2008 Average System Cost Methodology
Functionalization and Escalation Codes

Account Description	Acct No.	Functionalization Codes		Escalation Codes
		Method	Default	
Research, Development, and Demonstration Expenditures	188	DIST		CONSTANT
Unamortized Loss on Reacquired Debt	189	PTDG		CONSTANT
Accumulated Deferred Income Taxes	190	DIST		CONSTANT
Liabilities and Other Credits (Comparative Balance Sheet):				
Derivative Instrument Liabilities	244	DIST		CONSTANT
Less: Long-Term Portion of Derivative Instrument Liabilities	244	DIST		CONSTANT
Derivative Instrument Liabilities – Hedges	245	DIST		CONSTANT
Less: Long-Term Portion of Derivative Inst Liabilities– Hedges	245	DIST		CONSTANT
Customer Advances for Construction	252	DIST		CONSTANT
Other Deferred Credits	253	DIRECT	DIST	CONSTANT
Other Regulatory Liabilities	254	DIRECT	DIST	CONSTANT
Accumulated Deferred Investment Tax Credits	255	DIST		CONSTANT
Deferred Gains from Disposition of Utility Plant	256	DIRECT	N/A	CONSTANT
Unamortized Gain on Reacquired Debt	257	PTDG		CONSTANT
Accumulated Deferred Income Taxes-Accel. Amort.	281	DIST		CONSTANT
Accumulated Deferred Income Taxes-Property	282	DIST		CONSTANT
Accumulated Deferred Income Taxes-Other	283	DIST		CONSTANT
Schedule 3: Expenses				
Power Production Expenses:				
Steam Power Generation				
Steam Power – Fuel	501	PROD		COAL
Steam Power - Operations (Excluding 501 - Fuel)	500-509	PROD		SOPS
Steam Power – Maintenance	510-515	PROD		SMN
Nuclear Power Generation				
Nuclear – Fuel	518	PROD		NFUEL
Nuclear - Operation (Excluding 518 - Fuel)	517-525	PROD		NOPS
Nuclear – Maintenance	528-532	PROD		NMN
Hydraulic Power Generation				
Hydraulic – Operation	535-540.1	PROD		HOPS
Hydraulic – Maintenance	541-545.1	PROD		HMN
Other Power Generation				
Other Power – Fuel	547	PROD		NATGAS
Other Power - Operations (Excluding 547 - Fuel)	546-550.1	PROD		OOPS
Other Power – Maintenance	551-554.1	PROD		OMN
Other Power Supply Expenses				
Purchased Power (long term and intermediate term)	555	PROD		INF
Purchased Power (short term)	555	PROD		See section 301.4.b.2
System Control and Load Dispatching	556	PROD		CONSTANT
Other Expenses	557	PROD		CONSTANT
BPA REP Reversal	555	PROD		CONSTANT

Table 1: Functionalization and Escalation Codes

BONNEVILLE POWER ADMINISTRATION
2008 Average System Cost Methodology
Functionalization and Escalation Codes

Account Description	Acct No.	Functionalization Codes		Escalation Codes
		Method	Default	
Public Purpose Charges		DIRECT		See Section 301.4.a.6
Transmission Expenses:				
Transmission of Electricity by Others (Wheeling)	565	TRANS		INF
Total Operations less Wheeling	560-567.1	TRANS		TOPS
Total Maintenance	568-574	TRANS		TMN
Distribution Expense:				
Total Operations	580-589	DIST		DOPS
Total Maintenance	590-598	DIST		DMN
Customer and Sales Expenses:				
Total Customer Accounts	901-905	DIST		CACNT
Customer Service and Information	906-907	DIST		CSERV
Customer assistance expenses (Major only)	908	DIST		CSERV
Customer Service and Information	909-910	DIST		CSALES
Total Sales Expense	911-917	DIST		CSALES
Administration and General Expense:				
Operation				
Administration and General Salaries	920	LABOR		A&G
Office Supplies & Expenses	921	LABOR		A&G
(Less) Administration Expenses Transferred - Credit	922	LABOR		A&G
Outside Services Employed	923	LABOR		A&G
Property Insurance	924	PTDG		A&G
Injuries and Damages	925	LABOR		A&G
Employee Pensions & Benefits	926	LABOR		A&G
Franchise Requirements	927	DIST		A&G
Regulatory Commission Expenses	928	DIST		A&G
(Less) Duplicate Charges - Credit	929	PTDG		A&G
General Advertising Expenses	930.1	DIST		A&G
Miscellaneous General Expenses	930.2	DIST		A&G
Rents	931	DIST		A&G
Transportation Expenses (Non Major)	933	DIST		A&G
Maintenance				
Maintenance of General Plant	935	GPM		A&G
Depreciation and Amortization:				
Amortization of Intangible Plant - Account 301	404	DIST		CONSTANT
Amortization of Intangible Plant - Account 302	404	DIRECT	PTD	CONSTANT
Amortization of Intangible Plant - Account 303	404	DIRECT	DIST	CONSTANT
Steam Production Plant	403	PROD		CONSTANT
Nuclear Production Plant	403	PROD		CONSTANT
Hydraulic Production Plant - Conventional	403	PROD		CONSTANT
Hydraulic Production Plant - Pumped Storage	403	PROD		CONSTANT

Table 1: Functionalization and Escalation Codes

BONNEVILLE POWER ADMINISTRATION
2008 Average System Cost Methodology
Functionalization and Escalation Codes

Account Description	Acct No.	Functionalization Codes		Escalation Codes
		Method	Default	
Other Production Plant	403	PROD		CONSTANT
Transmission Plant	403	TRANS		CONSTANT
Distribution Plant	403	DIST		CONSTANT
General Plant	403	GP		CONSTANT
Common Plant – Electric	403 & 404	DIRECT	N/A	CONSTANT
Depreciation Expense for Asset Retirement Costs	403.1	DIRECT	N/A	CONSTANT
Amortization of Limited Term Electric Plant	404	DIRECT	N/A	CONSTANT
Amortization of Plant Acquisition Adjustments (Electric)	406	DIRECT	N/A	CONSTANT
Schedule 3A: Taxes				
FEDERAL:				
Income Tax (Included on Schedule 2)	409.1	DIST		CONSTANT
Employment Tax	408.1	LABOR		WAGES
Other Federal Taxes	408.1	DIST		CONSTANT
STATE AND OTHER:				
Property (or In-Lieu)	408.1	PTDG		CONSTANT
Unemployment	408.1	LABOR		WAGES
State Income, B&O, etc.	409.1	DIST		CONSTANT
Franchise Fees	408.1	DIST		CONSTANT
Regulatory Commission	408.1	DIST		CONSTANT
City/Municipal	408.1	DIST		CONSTANT
Other	408.1	DIST		CONSTANT
Schedule 3B: Other Included Items				
Other Included Items:				
Regulatory Debits	407.3	DIRECT	DIST	CONSTANT
Regulatory Credits	407.4	DIRECT	PROD	CONSTANT
Gain from Disposition of Utility Plant	411.6	DIRECT	PROD	CONSTANT
Loss from Disposition of Utility Plant	411.7	DIRECT	DIST	CONSTANT
Gain from Disposition of Allowances	411.8	PROD		CONSTANT
Loss from Disposition of Allowances	411.9	PROD		CONSTANT
Miscellaneous Nonoperating Income	421	DIRECT	PROD	CONSTANT
Sale for Resale:				
Sales for Resale (long term and intermediate term)	447	PROD		INF
Sales for Resale (short term)	447	PROD		See section 301.4.b.2
Other Revenues:				
Forfeited Discounts	450	DIST		CONSTANT
Miscellaneous Service Revenues	451	DIST		CONSTANT
Sales of Water and Water Power	453	PROD		CONSTANT
Rent from Electric Property	454	TD		CONSTANT
Interdepartmental Rents	455	DIST		CONSTANT
Other Electric Revenues	456	DIRECT	PROD	CONSTANT
Revenues from Transmission of Electricity of Others	456.1	TRANS		CONSTANT

Table 1: Functionalization and Escalation Codes

BONNEVILLE POWER ADMINISTRATION 2008 Average System Cost Methodology Functionalization and Escalation Codes				
Account Description	**Acct No.**	**Functionalization Codes**		**Escalation Codes**
		Method	**Default**	
Labor Ratios				
Labor Ratio Input:				
Production		PROD		WAGES
Transmission		TRANS		WAGES
Distribution		DIST		WAGES
Customer Accounts		DIST		WAGES
Customer Service and Informational		DIST		WAGES
Sales		DIST		WAGES
Administrative & General		PTD		WAGES

Appendix 1 to Part 301—ASC Utility Filing Template

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 1: Plant Investment / Rate Base

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Intangible Plant:								
Intangible Plant - Organization	204-207	301	DIST		-	-	-	-
Intangible Plant - Franchises and Consents	204-207	302	DIRECT	PTD	-	-	-	-
Intangible Plant - Miscellaneous	204-207	303	DIRECT	DIST	-	-	-	-
Total Intangible Plant					$ -	$ -	$ -	$ -
Production Plant:								
Steam Production	204-207	310-317	PROD		0	-	-	-
Nuclear Production	204-207	320-326	PROD		0	-	-	-
Hydraulic Production	204-207	330-337	PROD		0	-	-	-
Other Production	204-207	340-347	PROD		0	-	-	-
Total Production Plant					$ -	$ -	$ -	$ -
Transmission Plant: (i)								
Transmission Plant	204-207	350-359.1	TRANS		0	-	-	-
Total Transmission Plant					$ -	$ -	$ -	$ -
Distribution Plant:								
Distribution Plant	204-207	360-374	DIST		0	-	-	-
Total Distribution Plant					$ -	$ -	$ -	$ -
General Plant:								
Land and Land Rights	204-207	389	PTD		0	-	-	-
Structures and Improvements	204-207	390	PTD		0	-	-	-
Furniture and Equipment	204-207	391	LABOR		0	-	-	-
Transportation Equipment	204-207	392	TD		0	-	-	-
Stores Equipment	204-207	393	PTD		0	-	-	-
Tools and Garage Equipment	204-207	394	PTD		0	-	-	-
Laboratory Equipment	204-207	395	PTD		0	-	-	-
Power Operated Equipment	204-207	396	TD		0	-	-	-
Communication Equipment	204-207	397	PTD		0	-	-	-
Miscellaneous Equipment	204-207	398	PTD		0	-	-	-
Other Tangible Property	204-207	399	DIRECT	PTD	0	-	-	-
Asset Retirement Costs for General Plant	204-208	399.1	PTD		0	-	-	-
Total General Plant					$ -	$ -	$ -	$ -
Total Electric Plant In-Service *(Total Intangible + Total Production + Total Transmission + Total Distribution + Total General)*					$ -	$ -	$ -	$ -

Schedule 1

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 1: Plant Investment / Rate Base

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
LESS:								
Depreciation and Amortization Reserve					0			
Steam Production Plant	219	108	PROD		0	-	-	-
Nuclear Production Plant	219	108	PROD		0	-	-	-
Hydraulic Production Plant	219	108	PROD		0	-	-	-
Other Production Plant	219	108	PROD		0	-	-	-
Transmission Plant (i)	219	108	TRANS		0	-	-	-
Distribution Plant	219	108	DIST		0	-	-	-
General Plant	219	108	GP		0	-	-	-
Amortization of Intangible Plant - Account 301	200	111	DIST		0	-	-	-
Amortization of Intangible Plant - Account 302	200	111	DIRECT	PTD	-	-	-	-
Amortization of Intangible Plant - Account 303	200	111	DIRECT	DIST	-	-	-	-
Mining Plant Depreciation	219	108	PROD		0	-	-	-
Amortization of Plant Held for Future Use	200	111	DIST		0	-	-	-
Capital Lease - Common Plant	219	108	DIRECT		0			
Leasehold Improvements	200-201	108	DIRECT	DIST	0	-	-	-
In-Service: Depreciation of Common Plant (n)	200-201	108	DIRECT		0	-	-	-
Amortization of Other Utility Plant (a)	200-201	111	DIRECT	DIST	0	-	-	-
Amortization of Acquisition Adjustments	200-201	115	DIRECT		0	-	-	-
Depreciation and Amortization Reserve (Other)			DIRECT					
Total Depreciation and Amortization Reserve					$ -	$ -	$ -	$ -
Total Net Plant *(Total Electric Plant In-Service) - (Total Depreciation & Amortization)*					$ -	$ -	$ -	$ -

Schedule 1

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 1: Plant Investment / Rate Base

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Assets and Other Debits (Comparative Balance Sheet)								
Cash Working Capital (f)	Calculation:							
Utility Plant								
(Utility Plant) Held For Future Use	200-201	105	DIST		0	-	-	-
(Utility Plant) Completed Construction - Not Classified	200-201	106	PTD		0	-	-	-
Nuclear Fuel		120.2-120.6	PROD			-	-	-
Construction Work in Progress (CWIP)	200-201	107 & 120.1	DIST		0	-	-	-
Common Plant	356 & 356.1		DIRECT		0	-	-	-
Acquisition Adjustments (Electric)	200-201	114	DIRECT	DIST	0	-	-	-
Total					$ -	$ -	$ -	$ -
Other Property and Investments								
Investment in Associated Companies	110-111	123.1	DIST	DIST	0	-	-	-
Other Investment	110-111	124	DIST		0	-	-	-
Long-Term Portion of Derivative Assets	110-111	175	DIST		0	-	-	-
Long-Term Portion of Derivative Assets - Hedges	110-111	176	DIST		0	-	-	-
Total					$ -	$ -	$ -	$ -
Current and Accrued Assets								
Fuel Stock	110-111	151	PROD		0	-	-	-
Fuel Stock Expenses Undistributed	110-111	152	PROD		0	-	-	-
Plant Materials and Operating Supplies	110-111	154	PTD		0	-	-	-
Merchandise (Major Only)	110-112	155	DIST		0	-	-	-
Other Materials and Supplies (Major only)	110-111	156	DIST		0	-	-	-
EPA Allowance Inventory	110-112	158.1	PROD		0	-	-	-
EPA Allowances Withheld	110-112	158.2	PROD		0	-	-	-
Stores Expense Undistributed	110-111	163	PTD		0	-	-	-
Prepayments	110-111	165	PTD		0	-	-	-
Derivative Instrument Assets	110-111	175	DIST		0	-	-	-
(Less) Long-Term Portion of Derivative Assets	110-112	175	DIST		0	-	-	-
Derivative Instrument Assets - Hedges	110-111	176	DIST		0	-	-	-
(Less) Long-Term Portion of Derivative Assets - Hedges	110-112	176	DIST		0	-	-	-
Total					$ -	$ -	$ -	$ -

Schedule 1

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 1: Plant Investment / Rate Base

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Deferred Debits								
Unamortized Debt Expenses	110-111	181	PTDG		0	-	-	-
Extraordinary Property Losses	110-111	182.1	DIRECT	DIST	0	-	-	-
Unrecovered Plant and Regulatory Study Costs	110-111	182.2	DIRECT	DIST	0	-	-	-
Other Regulatory Assets	110-111	182.3	DIRECT	DIST	0	-	-	-
Preliminary Survey and Investigation Charges (Electric)	110-111	183	DIST		0	-	-	-
Preliminary Natural Gas Survey and Investigation Charges	110-111	183.1	DIST		0	-	-	-
Other Preliminary Survey and Investigation Charges	110-111	183.2	DIST		0	-	-	-
Clearing Accounts	110-111	184	DIST		0	-	-	-
Temporary Facilities	110-111	185	PTDG		0	-	-	-
Miscellaneous Deferred Debits	110-111	186	DIRECT	DIST	0	-	-	-
Deferred Losses from Disposition of Utility Plant	110-111	187	DIRECT		0			
Research, Development, and Demonstration Expenditures	110-111	188	DIST		0	-	-	-
Unamortized Loss on Reacquired Debt	110-111	189	PTDG		0	-	-	-
Accumulated Deferred Income Taxes	110-111	190	DIST		0	-	-	-
Total					$ -	$ -	$ -	$ -
Total Assets and Other Debits					$ -	$ -	$ -	$ -

Schedule 1

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 1: Plant Investment / Rate Base

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Liabilities and Other Credits (Comparative Balance Sheet)								
Current and Accrued Liabilities								
Derivative Instrument Liabilities	112-113	244	DIST		0	-	-	-
(less) Long-Term Portion of Derivative Instrument Liabilities	112-114	244	DIST		0	-	-	-
Derivative Instrument Liabilities - Hedges	112-115	245	DIST		0	-	-	-
(less) Long-Term Portion of Derivative Instrument Liabilities - Hedges	112-114	245	DIST		0	-	-	-
Total					$ -	$ -	$ -	$ -
Deferred Credits								
Customer Advances for Construction	112-113	252	DIST		0	-	-	-
Other Deferred Credits	112-113	253	DIRECT	DIST	0	-	-	-
Other Regulatory Liabilities	112-113	254	DIRECT	DIST	0	-	-	-
Accumulated Deferred Investment Tax Credits	112-113	255	DIST		0	-	-	-
Deferred Gains from Disposition of Utility Plant	112-113	256	DIRECT		0			
Unamortized Gain on Reacquired Debt	112-113	257	PTDG		0	-	-	-
Accumulated Deferred Income Taxes-Accel. Abort.	112-113	281	DIST		0	-	-	-
Accumulated Deferred Income Taxes-Property	112-113	282	DIST		0	-	-	-
Accumulated Deferred Income Taxes-Other	112-113	283	DIST		0	-	-	-
Total					$ -	$ -	$ -	$ -
Total Liabilities and Other Credits					$ -	$ -	$ -	$ -
Total Rate Base *Total Net Plant + (Assets and Others Debits) - (Liabilities and Other Credits)*					$ -	$ -	$ -	$ -

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 1A: Cash Working Capital (f)

Account Description	Total	Production	Transmission	Distribution/ Other
Cash Working Capital Calculation:				
Total Production O&M	-	-	-	-
Total Transmission O&M (i)	-	-	-	-
Total Distribution O&M	-	-	-	-
Total Customer & Sales	-	-	-	-
Total Administrative and General O&M	-	-	-	-
Less Purchased Power, Public Purpose Charge, REP Reversal, Fuel Costs	-	-	-	-
Revised Total O&M Expenses	$ -	$ -	$ -	$ -
One-Eighth Revised Total O&M Expenses				
Allowable Functionalized Cash Working Capital	$ -	$ -	$ -	$ -

Schedule 1A

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 2: Capital Structure and Rate of Return (b)

SUMMARY *(for use by ASC Forecast Model)*

Single-Jurisdiction Investor-Owned Utility Return Calculation:

Multi-Jurisdiction Investor-Owned Utility Return Calculation:

Consumer-Owned Utility Return Calculation:

Rate of Return :

Single-Jurisdiction Investor-Owned Utility Return Calculation

Step 1: Weighted Cost of Capital from Most Recent State Commission Rate Order

Note: Multi-jurisdictional utilities must begin on Page 2

Publicly-owned utilities must begin on Page 4

	Capitalization Structure		Effective Cost	
Component	**Amount**	**Percent**	**Embedded**	**Weighted**
Debt				
Preferred Equity				
Common Equity				
Weighted Cost of Capital	$ -			

Step 2: Gross Up Equity Return for Federal Income Taxes

Federal Income Tax Rate (Currently 35%) **35%**

Federal Income Tax Factor

*{(ROR – (Embedded Cost of Debt * (Debt / (Total Capital))) * {(Federal Tax Rate / (1- Federal Tax Rate)}*

Federal Income Tax Adjusted Weighted Cost of Capital

(Weighted Cost of Capital Plus Federal Income Tax Factor)

Step 3: Calculate Return on Rate Base

	Total	Production	Transmission	Other
Total Rate Base from Schedule 1	$ -	$ -	$ -	$ -
Federal Income Tax Adjusted Weighted Cost of Capital				
Federal Income Tax Adjusted Return on Rate Base				

*(Total Rate Base * Federal Income Tax Adjusted Weighted Cost of Capital)*

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 2: Capital Structure and Rate of Return (b)

Multi-Jurisdiction Investor-Owned Utility Return Calculation

Step 1:

Weighted Cost of Capital from Most Recent State Commission Rate Order in Jurisdiction 1

	Capitalization Structure		Effective Cost		Jurisdictional	Effective Cost -	
Component	Amount	Percent	Embedded	Weighted	Allocation	Weighted State Allocation	
Debt					0		
Preferred Equity							
Common Equity							
Weighted Cost of Capital	$ -						

Weighted Cost of Capital from Most Recent State Commission Rate Order in Jurisdiction 2

Component	Amount	Percent	Embedded	Weighted			
Debt					0		
Preferred Equity							
Common Equity							
Weighted Cost of Capital	$ -						

Weighted Cost of Capital from Most Recent State Commission Rate Order in Jurisdiction 3

Component	Amount	Percent	Embedded	Weighted			
Debt					0		
Preferred Equity							
Common Equity							
Weighted Cost of Capital	$ -						

Jurisdiction	Rate Base	Weighted cost	%	Weighted Return		
Total						

Schedule 2

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 2: Capital Structure and Rate of Return (b)

Multi-Jurisdiction Investor-Owned Utility Return Calculation *(continued)*

Step 2: Gross Up Equity Return for Federal Income Taxes

Federal Income Tax Rate (Currently 35%) **35%**

Federal Income Tax Factor

*((ROR (Embedded Cost of Debt * (Debt / (Total Capital))) * ((Federal Tax Rate / (1- Federal Tax Rate))*

Federal Income Tax Adjusted Weighted Cost of Capital

(Weighted Cost of Capital Plus Federal Income Tax Factor)

Step 3: Calculate Return on Rate Base

	Total	Production	Transmission	Other
Total Rate Base from Schedule 1	$ -	$ -	$ -	$ -
Federal Income Tax Adjusted Weighted Cost of Capital				
Federal Income Tax Adjusted Return on Rate Base				

*(Total Rate Base * Federal Income Tax Adjusted Weighted Cost of Capital)*

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:	
End of Year Report Period:	
ASC Filing Date:	

Schedule 2: Capital Structure and Rate of Return (b)

Consumer-Owned Utility Return Calculation

Step 1: Weighted Cost of Debt

Debt Issue	Original Amount	Year Issued	Year Due	Interest Rate	Interest Expense
					$ -
					$ -
					$ -
					$ -
					$ -
					$ -
					$ -
					$ -
					$ -
Weighted Cost of Debt	$ -				$ -

Step 2: Calculate Return on Rate Base

	Total	Production	Transmission	Other
Total Rate Base from Schedule 1	$ -	$ -	$ -	$ -
Weighted Cost of Debt				
Return on Rate Base				

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 3: Expenses

Account Description	Form 1 Page Number	Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Power Production Expenses:								
Steam Power Generation								
Steam Power - Fuel	320-323	501	PROD			-	-	-
Steam Power - Operations (Excluding 501 - Fuel)	320-323	500-509	PROD			-	-	-
Steam Power - Maintenance	320-323	510-515	PROD			-	-	-
Nuclear Power Generation								
Nuclear - Fuel	320-323	518	PROD			-	-	-
Nuclear - Operation (Excluding 518 - Fuel)	320-323	517-525	PROD			-	-	-
Nuclear - Maintenance	320-323	528-532	PROD			-	-	-
Hydraulic Power Generation								
Hydraulic - Operation	320-323	535-540.1	PROD			-	-	-
Hydraulic - Maintenance	320-323	541-545.1	PROD			-	-	-
Other Power Generation								
Other Power - Fuel	320-323	547	PROD			-	-	-
Other Power - Operations (Excluding 547 - Fuel)	320-323	546-550.1	PROD			-	-	-
Other Power - Maintenance	320-323	551-554.1	PROD			-	-	-
Other Power Supply Expenses								
Purchased Power (Excluding REP Reversal)	326	555	PROD			-	-	-
System Control and Load Dispatching	320-323	556	PROD			-	-	-
Other Expenses	320-323	557	PROD			-	-	-
BPA REP Reversal	327	555	PROD			-	-	-
Public Purpose Charges (h)			DIRECT					
Total Production Expense					$ -	$ -	$ -	$ -
Transmission Expenses: (l)								
Transmission of Electricity by Others (Wheeling)	320-323	565	TRANS			-	-	-
Total Operations less Wheeling	320-323	560-567.1	TRANS			-	-	-
Total Maintenance	320-323	568-574	TRANS			-	-	-
Total Transmission Expense					$ -	$ -	$ -	$ -

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 3: Expenses

Account Description	Form 1 Page Number	Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Distribution Expense:								
Total Operations	320-323	580-589	DIST			-	-	-
Total Maintenance	320-323	590-598	DIST			-	-	-
Total Distribution Expense					$ -	$ -	$ -	$ -
Customer and Sales Expenses:								
Total Customer Accounts	320-323	901-905	DIST			-	-	-
Customer Service and Information	320-323	906-907	DIST			-	-	-
Customer Assistance Expenses (Major only)	320-323	908	DIST					
Customer Service and Information	320-323	909-910	DIST			-	-	-
Total Sales Expense	320-323	911-917	DIST			-	-	-
Total Customer and Sales Expenses					$ -	$ -	$ -	$ -
Administration and General Expense:								
Operation								
Administration and General Salaries	320-323	920	LABOR			-	-	-
Office Supplies & Expenses	320-323	921	LABOR			-	-	-
(Less) Administration Expenses Transferred - Credit	320-323	922	LABOR			-	-	-
Outside Services Employed	320-323	923	LABOR			-	-	-
Property Insurance	320-323	924	PTDG			-	-	-
Injuries and Damages	320-323	925	LABOR			-	-	-
Employee Pensions & Benefits	320-323	926	LABOR			-	-	-
Franchise Requirements	320-323	927	DIST			-	-	-
Regulatory Commission Expenses	320-323	928	DIST			-	-	-
(Less) Duplicate Charges - Credit	320-323	929	PTDG			-	-	-
General Advertising Expenses	320-323	930.1	DIST			-	-	-
Miscellaneous General Expenses	320-323	930.2	DIST			-	-	-
Rents	320-323	931	DIST			-	-	-
Transportation Expenses (Non Major)	320-324	933	DIST			-	-	-
Maintenance								
Maintenance of General Plant	320-323	935	GPM			-	-	-
Total Administration and General Expenses						$ -	$ -	$ -

Schedule 3

BONNEVILLE POWER ADMINISTRATION
ASC Utility Filing Template
2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 3: Expenses

Account Description	Form 1 Page Number	Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Total Operations and Maintenance					$ -	$ -	$ -	$ -
(Total Expenses: Production + Transmission + Distribution + Customer and Sales +Total Administration and General Expenses)								
Depreciation and Amortization:								
Amortization of Intangible Plant - Account 301	336	404	DIST			-	-	-
Amortization of Intangible Plant - Account 302	336	404	DIRECT	PTD		-	-	-
Amortization of Intangible Plant - Account 303	336	404	DIRECT	DIST		-	-	-
Steam Production Plant	336	403	PROD			-	-	-
Nuclear Production Plant	336	403	PROD			-	-	-
Hydraulic Production Plant - Conventional	336	403	PROD			-	-	-
Hydraulic Production Plant - Pumped Storage	336	403	PROD			-	-	-
Other Production Plant	336	403	PROD			-	-	-
Transmission Plant (i)	336	403	TRANS			-	-	-
Distribution Plant	336	403	DIST			-	-	-
General Plant	336	403	GP			-	-	-
Common Plant - Electric	336	403	DIRECT					
Common Plant - Electric	336	404	DIRECT					
Depreciation Expense for Asset Retirement Costs	336	403.1	DIRECT					
Amortization of Limited Term Electric Plant	336	404	DIRECT					
Amortization of Plant Acquisition Adjustments (Electric)	200-201	406	DIRECT					
Total Depreciation and Amortization					$ -	$ -	$ -	$ -
Total Operating Expenses					$ -	$ -	$ -	$ -
(Total O&M + Total Depreciation & Amortization)								

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 3A Items: Taxes

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Funct. Method	Total	Production	Transmission	Distribution/ Other
FEDERAL							
Income Tax	262	409.1	DIST		-	-	-
Employment Tax	262	408.1	LABOR		-	-	-
Other Federal Taxes	262	408.1	DIST		-	-	-
TOTAL FEDERAL				$ -	$ -	$ -	$ -
STATE AND OTHER							
Property or In-Lieu (c)	262	408.1	PTDG		-	-	-
Unemployment	262	408.1	LABOR		-	-	-
State Income, B&O, et.	262	409.1	DIST		-	-	-
Franchise Fees	262	408.1	DIST		-	-	-
Regulatory Commission	262	408.1	DIST		-	-	-
City/Municipal	262	408.1	DIST		-	-	-
Other	262	408.1	DIST		-	-	-
TOTAL STATE AND OTHER TAXES				$ -	$ -	$ -	$ -
TOTAL TAXES				$ -	$ -	$ -	$ -

Schedule 3A

BONNEVILLE POWER ADMINSTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:

End of Year Report Period:

ASC Filing Date:

FERC Form 1		Purchased Power - Base Period		Purchased Power - Base Period Minus 1		Purchased Power - Base Period Minus 2	
Statistical Classification	Page Number	Settlement Total	MWh Purchased	Settlement Total	MWh Purchased	Settlement Total	MWh Purchased
RQ	326-327						
LF	326-327						
IF	326-327						
SF	326-327						
LU	326-327						
IU	326-327						
OS	326-327						
EX	326-327						
NA	326-327						
AD	326-327						
TOTAL		$ -	-	$ -	-	$ -	-

FERC Form 1		Sales for Resale - Base Period		Sales for Resale - Base Period Minus 1		Sales for Resale - Base Period Minus 2	
Statistical Classification	Page Number	Settlement Total	MWh Sold	Settlement Total	MWh Sold	Settlement Total	MWh Sold
RQ	310-311						
LF	310-311						
IF	310-311						
SF	310-311						
LU	310-311						
IU	310-311						
OS	310-311						
EX	310-311						
NA	310-311						
AD	310-311						
TOTAL		$ -	-	$ -	-	$ -	-

3 YEAR
PP OSS Worksheet

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Schedule 3B Other Included Items

Account Description	FERC Form 1 Page Number	FERC Form 1 Account Numbers	Functionalization Method Default	Functionalization Method Optional	Total	Production	Transmission	Distribution/ Other
Other Included Items:								
Regulatory Credits	114	407.4	DIRECT	PROD		-	-	-
(Less) Regulatory Debits	114	407.3	DIRECT	DIST		-	-	-
Gain from Disposition of Utility Plant	114	411.6	DIRECT	PROD		-	-	-
(Less) Loss from Disposition of Utility Plant	114	411.7	DIRECT	DIST		-	-	-
Gain from Disposition of Allowances	114	411.8	PROD			-	-	-
(Less) Loss from Disposition of Allowances	114	411.9	PROD			-	-	-
Miscellaneous Nonoperating Income	114	421	DIRECT	PROD		-	-	-
Total Other Included Items					$ -	$ -	$ -	$ -
Sales for Resale:								
Sales for Resale	310	447	PROD			-	-	-
Total Sales for Resale					$ -	$ -	$ -	$ -
Other Revenues:								
Forfeited Discounts	300	450	DIST			-	-	-
Miscellaneous Service Revenues	300	451	DIST			-	-	-
Sales of Water and Water Power	300	453	PROD			-	-	-
Rent from Electric Property	300	454	TD			-	-	-
Interdepartmental Rents	300	455	DIST			-	-	-
Other Electric Revenues	300	456	DIRECT	PROD		-	-	-
Revenues from Transmission of Electricity of Others (i)	330	456.1	TRANS			-	-	-
Total Other Revenues					$ -	$ -	$ -	$ -
Total Other Included Items *(Total Other + Total Sales for Resale + Total Other Revenue)*					$ -	$ -	$ -	$ -

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:	
End of Year Report Period:	
ASC Filing Date:	

Schedule 4: Average System Cost

	Total	Production	Transmission	Distribution/Other
Total Operating Expenses *(From Schedule 3)*	$	$	$	$
Federal Income Tax Adjusted Return on Rate Base *(From Schedule 2)*	$	$	$	$
State and Other Taxes *(From Schedule 3a)*	$	$	$	$
Total Other Included Items *(From Schedule 3b)*	$	$	$	$
Total Cost *(Total Operating Expenses + Return on Rate Base + State and Other Taxes - Total Other Included Items)*	$	$	$	$

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:	
End of Year Report Period:	
ASC Filing Date:	

Schedule 4: Average System Cost

Contract System Cost		
Production	$ -	
Transmission	$ -	NLSL Fully Alloc. Cost ($/MWh)
(Less) New Large Single Load Costs (d)	$ -	
Total Contract System Cost	$	
Contract System Load (MWh)		
Total Retail Load		
(Less) New Large Single Load		
Total Retail Load (Net of NLSL) (d)	0	Distribution Losses (%)
Distribution Loss (f)	0	0
Total Contract System Load	0	
Average System Cost $/MWh	$0	

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Distribution of Salaries and Wages (For Labor Ratio Calculation)

Description	Form 1 Page Number	Amount
Electric		
Operation		
Production	354-355	
Transmission	354-355	
Distribution	354-355	
Customer Accounts	354-355	
Customer Service and Information	354-355	
Sales	354-355	
Administrative and General	354-355	
TOTAL Operation		$0
Maintenance		
Production	354-355	
Transmission	354-355	
Distribution	354-355	
Administrative and General	354-355	
TOTAL Maintenance		$0
Operation and Maintenance		
Production (Total of lines 16 and 26)	354-355	0
Transmission (Total of lines 17 and 27)	354-355	0
Distribution (Total of lines 18 and 28)	354-355	0
Customer Accounts (From line 20)	354-355	0
Customer Service and Information (From line 20)	354-355	0
Sales (From line 21)	354-355	0
Administrative and General (Total of lines 22 and 29)	354-355	0
TOTAL Operation and Maintenance		$0

Salaries

BONNEVILLE POWER ADMINISTRATION
ASC Utility Filing Template
2008 Average System Cost Methodology

UTILITY NAME:
End of Year Report Period:
ASC Filing Date:

Ratio Table

Labor Ratio Input:

	Ratio Used	Total	Production	Transmission	Distribution
Production	PROD	$ -	$ -	$ -	$ -
Transmission	TRANS	-	-	-	-
Distribution	DIST	-	-	-	-
Customer Accounts	DIST	-	-	-	-
Customer Service and Informational	DIST	-			
Sales	DIST	-	-	-	-
Administrative & General	PTD	-	-	-	-
Total Labor		$ -	$ -	$ -	$ -
LABOR RATIO		0%	0%	0%	0%

GP	**General Plant Ratio**	Ratio Used	Total	Production	Transmission	Distribution
	Land and Land Rights	PTD	$ -	$ -	$ -	$ -
	Structures and Improvements	PTD	-	-	-	-
	Furniture and Equipment	LABOR	-	-	-	-
	Transportation Equipment	TD	-	-	-	-
	Stores Equipment	PTD	-	-	-	-
	Tools and Garage Equipment	PTD	-	-	-	-
	Laboratory Equipment	PTD	-	-	-	-
	Power Operated Equipment	TD	-	-	-	-
	Communication Equipment	PTD	-	-	-	-
	Miscellaneous Equipment	PTD	-	-	-	-
	Other Tangible Property	DIRECT	-	-	-	-
	Asset Retirement Costs for General Plant	PTD	-	-	-	-
	TOTAL		$ -	$ -	$ -	$ -
	GENERAL PLANT RATIO		0%	0%	0%	0%

BONNEVILLE POWER ADMINISTRATION

ASC Utility Filing Template

2008 Average System Cost Methodology

UTILITY NAME:	
End of Year Report Period:	
ASC Filing Date:	

Ratio Table

		Ratio Used	Total	Production	Transmission	Distribution
PTD	**Production, Transmission, Distribution Ratio**					
	Steam Production	PROD	$ -	$ -	$ -	$ -
	Nuclear Production	PROD	-	-	-	-
	Hydraulic Production	PROD	-	-	-	-
	Other Production	PROD	-	-	-	-
	Total Production Plant		-	-	-	-
	Transmission Plant	TRANS	-	-	-	-
	Total Distribution Plant	DIST	-	-	-	-
	TOTAL		$ -	$ -	$ -	$ -
	PTD RATIO		0%	0%	0%	0%

		Ratio Used	Total	Production	Transmission	Distribution
PTDG	**Production, Transmission, Distribution and General Plant Rati**					
	PTD Total		$ -	$ -	$ -	$ -
	Intangible Plant - Organization	DIST	-	-	-	-
	Intangible Plant - Franchises and Consents	DIRECT	-	-	-	-
	Intangible Plant - Miscellaneous	DIRECT	-	-	-	-
	General Plant Total		-	-	-	-
	TOTAL		$ -	$ -	$ -	$ -
	PTDG RATIO		0%	0%	0%	0%

		Ratio Used	Total	Production	Transmission	Distribution
TD	**Transmission and Distribution Plant Ratio**					
	Total Transmission Plant	TRANS	$ -	$ -	$ -	$ -
	Total Distribution Plant	DIST	-	-	-	-
	TOTAL		$ -	$ -	$ -	$ -
	TD RATIO		0%	0%	0%	0%

Ratios

BONNEVILLE POWER ADMINISTRATION
ASC Utility Filing Template
2008 Average System Cost Methodology

UTILITY NAME:	
End of Year Report Period:	
ASC Filing Date:	

Ratio Table

GPM	Maintenance of General Plant Ratio	Ratio Used	Total	Production	Transmission	Distribution
	Structures and Improvements	PTD	$ -	$ -	$ -	$ -
	Furniture and Equipment	LABOR	-	-	-	-
	Communication Equipment	PTD	-	-	-	-
	Miscellaneous Equipment	PTD	-	-	-	-
	TOTAL		$ -	$ -	$ -	$ -
	GPM RATIO		0%	0%	0%	0%

SUMMARY RATIO TABLE

Direct to Distribution	DIST	0.00%	0.00%	100.00%
Direct to Production	PROD	100.00%	0.00%	0.00%
Direct to Transmission	TRANS	0.00%	100.00%	0.00%
Direct Allocation	DIRECT	0.00%	0.00%	0.00%
General Plant	GP	0.00%	0.00%	0.00%
Maintenance of General Plant	GPM	0.00%	0.00%	0.00%
Labor Ratios	LABOR	0.00%	0.00%	0.00%
Production, Transmission, Distribution	PTD	0.00%	0.00%	0.00%
Production, Transmission, Distribution, General	PTDG	0.00%	0.00%	0.00%
Transmission, Distribution	TD	0.00%	0.00%	0.00%

IX. AVERAGE SYSTEM COST METHODOLOGY APPENDIX 1 ENDNOTES

a/ Contract System Costs must reflect the costs and the revenues arising from conservation and/or retail rate schedules.

b/ The overall rate of return (ROR) to be applied to a Utility's Exchange Period rate base as shown in Appendix 1 must be equal to its weighted cost of capital (WCC), including debt, preferred stock and equity, from its most recently approved Regulatory Body Rate Order. For multi-Jurisdictional Utilities, a Utility will first determine the WCC for each Jurisdiction. The Utility will then determine a region-wide WCC based on applying the WCC times the Regulatory Body approved rate base from the same rate order used for the WCC.

The return on equity (ROE) used in the WCC calculation will then be grossed up for Federal income taxes at the marginal Federal income tax rate using the following formula to determine the percentage increase in the ROE used for ASC determination:

FIT Adder = {(WCC – (Cost of Debt * (Debt / (Total Capital))} * {(Federal Tax Rate / (1-Federal Tax Rate)}

The sum of the FIT Adder plus the ROE equals the Federal income tax adjusted ROE (TAROE). The TAROE will replace the ROE in the WCC calculation to determine a Federal income tax adjusted weighted cost of capital (TAWCC). The TAWCC will be multiplied by the total rate base from Schedule 1 to determine the return component on Schedule 2.

For Utilities that do not use depreciation for Jurisdictional rate setting, the return will be equal to the weighted cost of debt times the rate base included in the ASC filing.

c/ A tax-exempt Utility may include in-lieu taxes up to an amount that is comparable, for each unit of government paid in-lieu taxes, with taxes that would have been paid by a non-tax exempt utility to that unit of government. In no event will the Utility's regional total be greater than the actual amount paid or the amount used to determine the total revenue requirement. In-lieu taxes must be functionalized according to the PTDG ratio.

d/ The cost of additional resources sufficient to serve any New Large Single Load (NLSL) that was not contracted for, or committed to, prior to September 1, 1979, is to be determined as follows:

(1) To the extent that any NLSLs are served by dedicated resources at the cost of those resources, including applicable transmission;

(2) In the amount that NLSLs are not served by dedicated resources, at Bonneville's New Resources (NR) rates as established from time to time pursuant to section 7(f) of the Northwest Power Act, and as applicable to the Utility, and applicable Bonneville transmission charges if transmission costs are excluded in the determination of Bonneville's NR rate, to the extent those costs are recovered by the Utility's retail rates in the applicable Jurisdiction; and

(3) To the extent that NLSLs are not served by dedicated resources plus the Utility's purchases at the NR rate, the costs of the excess load will be determined by multiplying the kilowatt-hours not served under paragraphs (d)(1) and (d)(2) above, by the cost (annual fixed plus variable cost, including an appropriate portion of general plant, administrative and general expense and other items not directly assignable) per kilowatt-hour of all resources and long term power purchases (five years or more in duration), as allowed in the regulatory Jurisdiction to establish retail rates during the Exchange Period, exclusive of the following resources and purchases: (a) purchases at the NR rate; (b) purchases at the PF Exchange rate, pursuant to section 5(c) of the Northwest Power Act; (c) resources sold to Bonneville, pursuant to section 6(c)(1) of the Northwest Power Act; (d) dedicated resources specified in endnote d(1) of this Methodology; (e) resources and purchases committed to the Utility's load as of September 1, 1979, under a power requirements contract or that would have been so committed had the Utility entered into such a contract; and (f) experimental or demonstration units or purchases therefrom. Transmission needed to carry power from such generation resources or power purchases must be priced at the average cost of transmission during the Exchange Period.

The paragraphs (d)(1) through (d)(3) will determine the Base Period cost of resources used to serve NLSLs. Bonneville will escalate the Base Period cost of resources used to serve NLSLs to the Exchange Period using the following steps:

i. Escalate the components of the Base Period fully allocated resource costs to the Exchange Period using the general method for escalation of all Base Period costs.

ii. Adjust the projected resource costs by the projected transmission costs.

iii. Add the fully allocated costs for major resource additions/retirements to the Exchange Period fully allocated costs.

iv. The cost to serve NLSLs will change when the ASC changes due to resource additions/retirements.

v. The Exchange Period NLSL load will equal the Base Period NLSL load.

e/ The losses will be the distribution energy losses occurring between the transmission portion of the Utility's system and the meters measuring firm energy load. The distribution loss can be measured using one of the following 3 methods:

Method 1, Distribution Loss Study: Losses will be established according to a study (engineering, statistical and other) that is submitted to Bonneville by the Utility that will be subject to review by Bonneville. This study must be in sufficient detail so as to accurately identify average distribution losses associated with the Utility's total load, excluded loads, and the residential load. Distribution losses must include losses associated with distribution substations, primary distribution facilities, distribution transformers, secondary distribution facilities and service drops.

Method 2, Revenue Grade Meters: If a Utility does not have a loss study, but it has sufficient revenue grade meters in its distribution system, Bonneville will permit the Utility to directly measure its distribution losses subject to Bonneville review and approval. A Utility that does not possess the capability to directly measure its distribution losses will be required to submit a distribution loss study every seven years.

Method 3, Default: If a Utility does not have a current loss study or grade meters, Bonneville will accept the following method for determining a Utility's distribution loss factor.

i. Calculate a 5-year average total system loss factor, using data from the Base Period plus the preceding 4 years. IOUs will use data from the FERC Form 1. COUs will use a comparable data source.

ii. From this 5-year total system loss factor, subtract the loss factor for Bonneville's transmission system.

iii. The resulting loss factor will be deemed to be the exchanging Utility's distribution loss factor for calculating Contract System Load and exchange loads under the REP.

f/ Cash working capital (CWC) is a ratemaking convention that is not included in the FERC Form 1, but is part of all electric utility rate filings as a component of rate base. For determining the allowable amount of cash working capital in rate base for a Utility, Bonneville will allow no more than 1/8 of the functionalized costs of total production expenses, transmission expenses and Administrative and General expenses less purchased power, fuel costs, and Public Purpose Charge.

g/ Conservation costs are costs of energy audits and actual or planned load reduction resulting from direct application of a conservation measure (Northwest Power Act, section 3(19)(B)) by means of physical improvements, alterations, devices, or other installations that are measurable in units. Conservation costs funded by the Utility will be functionalized to Production in the Utility's Average System Cost. Conservation costs incurred to promote changes in consumer behavior including costs attributable to brochures, advertising, pamphlets, leaflets, and similar items will be functionalized by Direct Analysis with a default to Distribution/Other. Conservation surcharges imposed pursuant to section 4(f)(2) of the Northwest Power Act or other similar surcharges or penalties imposed on a Utility for failure to meet required conservation efforts will also be functionalized to Distribution/Other. Conservation and associated costs must be generally consistent with the Northwest Power and Conservation Council's resource plan as determined by Bonneville's Administrator.

h/ Public Purpose Charges collected by Utilities and distributed to independent third party non-profit organizations or state and local entities (recipient organizations) for the purposes of acquiring conservation and renewable resources shall be determined on a utility-by-utility basis through Direct Analysis. The ASC Methodology will only allow the costs of conservation and renewable resource development, acquisition and implementation. Allowable costs include costs

associated with energy audits and advertising and promotion of conservation and renewable resources.

In order to be included in Contract System Costs, the renewable resources acquired by the recipient must be included in the Utility's Integrated Resource Plan or similar document and, in the case of dispatchable resources, must be included in the Utility's resource stack. Bonneville will treat expenditures of Public Purchase Charge funds similar to Utility conservation costs.

i/ If a Utility has a ruling from its Regulatory Body that separates its transmission and distribution lines using the Commission's seven factor test contained in Order 888, as amended by Order 890, and its FERC Form 1 filing is consistent with the Regulatory Body's order, the Utility will include the transmission-related costs and wheeling revenues directly from its FERC Form 1 filing. However, if a Utility is not required to file a FERC Form 1, or it has not received an order from its Regulatory Body separating its lines between transmission and distribution, then it must perform a Direct Analysis on its transmission costs and wheeling revenues. The Direct Analysis must allocate transmission costs and wheeling revenues so that only the costs and revenues of transmission lines rated at 115kV or above are included as transmission. Alternatively, the Direct Analysis may use the Commission's seven factor test for separating transmission and distribution lines to determine the costs attributable to transmission.

j/ All revenues associated with the production and transmission function of a Utility will be functionalized to production or transmission respectively.

Note: The following Appendix will not be published in the *Code of Federal Regulations.*

Appendix—List of Commenters

Association of Public Agency Customers (APAC)
Avista Corporation (Avista)
Idaho Power Company (Idaho Power)
Idaho Public Utilities Commission (Idaho PUC)
PacifiCorp
Pacific Northwest Investor-Owned Utilities (IOU)
Portland General Electric Company (Portland General)
Public Utility District No. 1 of Clark County, Washington and Public Utility District No. 1 of Grays Harbor County, Washington, Public Utility District No. 1 of Snohomish County, Washington (Districts)
Puget Sound Energy, Inc. (Puget Sound)
Washington Utilities and Transportation Commission (WUTC)

[FR Doc. E9–21946 Filed 9–14–09; 8:45 am]
BILLING CODE 6717–01–C

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Docket No. AG Order No. 3108–2009]

The Attorney General's Advisory Committee of United States Attorneys

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Justice regulation concerning the Attorney General's Advisory Committee of United States Attorneys. The amendments will provide the Attorney General greater flexibility in determining the size of the Committee, and will provide that the Attorney General will select the Committee's leadership.

DATES: *Effective Date:* September 15, 2009.

FOR FURTHER INFORMATION CONTACT: Norman Wong, Deputy Director and Counsel to the Director, Executive Office for United States Attorneys, Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530 (202) 514–2121.

SUPPLEMENTARY INFORMATION: This regulation recognizes that the United States Attorneys, as Presidential appointees having responsibilities mandated by Congress (28 U.S.C. 547), should be afforded an appropriate and formal means for contributing to the development of Department of Justice policies and procedures. The Attorney General's Advisory Committee of United States Attorneys (''Committee'') aids the improvement of communication between federal and state law enforcement officials, the promotion of greater consistency in the application of legal standards, and the improvement of the criminal justice system at all levels of government. Under the existing regulation, the Committee is composed of fifteen members designated by the Attorney General, and the Committee is charged with selecting its leadership. Under the revised regulation, the Attorney General will determine the number of Committee members and will select from the membership a chairperson and vice-chairperson. The United States Attorney for the District of Columbia will serve as an *ex officio* member.

Administrative Procedure Act

This rule is a rule of agency organization and procedure, and relates to the internal management of the Department of Justice. It is therefore exempt from the requirements of notice and comments and a delayed effective date. 5 U.S.C. 553(b), (d).

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule since the Department was not required to publish a general notice of proposed rulemaking for this matter.

Regulatory Order 12866—Regulatory Planning and Review

This action has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, § 1(b), Principles of Regulation. This rule is limited to agency organization, management and personnel as described by Executive Order 12866 § 3(d)(3) and, therefore, is not a ''regulation'' or ''rule'' as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13132—Federalism

This regulation 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. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federal Assessment.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

Authority delegations (government agencies), Government employees, Organization and functions (government agencies), Whistleblowing.

■ By virtue of the authority vested in me by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, Subpart B of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority citation of Part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 209, 510, 515–519.

■ 2. In § 0.10, paragraphs (a) and (c) are revised to read:

§ 0.10 Attorney General's Advisory Committee of United States Attorneys.

(a) The Attorney General's Advisory Committee of United States Attorneys shall consist of an appropriate number of United States Attorneys, designated by the Attorney General. The membership shall be selected to represent the various geographic areas of the Nation and various sized United States Attorneys' Offices. Members shall serve at the pleasure of the Attorney General, but such service normally shall not exceed three years and shall be subject to adjustment by the Attorney General so as to assure the annual rotation of approximately one-third of the Committee's membership. The United States Attorney for the District of Columbia shall serve as an *ex officio* member of the Committee. The Attorney General may designate additional personnel from United States Attorneys' Offices to serve as members of the Committee.

* * * * *

(c) The Attorney General will select from the Committee's membership a chairperson and a vice-chairperson. The Attorney General may establish such subcommittees as deemed necessary to carry out the Committee's objectives. The Committee, in consultation with the Director of the Executive Office for United States Attorneys, will select chairpersons for such subcommittees. United States Attorneys who are not members of the Committee may be included in the membership of subcommittees.

* * * * *

Dated: September 4, 2009.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. E9–22124 Filed 9–14–09; 8:45 am]

BILLING CODE P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: Pension Benefit Guaranty Corporation's regulations on Allocation of Assets in Single-Employer Plans and Benefits Payable in Terminated Single-Employer Plans prescribe interest assumptions for valuing and paying certain benefits under terminating single-employer plans. This final rule amends the asset allocation regulation to adopt interest assumptions for plans with valuation dates in the fourth quarter of 2009 and amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in October 2009. Interest assumptions are also published on PBGC's Web site (*http://www.pbgc.gov*).

DATES: Effective October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

These interest assumptions are found in two PBGC regulations: the regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) and the regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022). Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the assumptions under the asset allocation regulation for the fourth quarter (October through December) of 2009 and updates the assumptions under the

benefit payments regulation for October 2009.

The interest assumptions prescribed under the asset allocation regulation (found in Appendix B to Part 4044) are used for the valuation of benefits for allocation purposes under ERISA section 4044. Two sets of interest assumptions are prescribed under the benefit payments regulation: (1) A set for PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by PBGC (found in Appendix B to Part 4022), and (2) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during the fourth quarter (October through December) of 2009, (2) adds to Appendix B to Part 4022 the interest assumptions for PBGC to use for its own lump-sum payments in plans with valuation dates during October 2009, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology for valuation dates during October 2009.

The interest assumptions that PBGC will use for valuing benefits for allocation purposes (set forth in Appendix B to part 4044) will be 5.30 percent for the first 20 years following the valuation date and 5.01 percent thereafter. In comparison with the interest assumptions in effect for the third quarter of 2009, these interest assumptions represent a decrease of 0.01 percent for the first 20 years following the valuation date and a decrease of 0.03 percent for all years thereafter.

The interest assumptions that PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 2.50 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for September 2009, these interest assumptions represent a decrease of 0.50 percent in the immediate annuity rate and are otherwise unchanged. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during October 2009, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. *See* 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 192, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
192	10–1–09	11–1–09	2.50	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 192, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
192	10–1–09	11–1–09	2.50	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for October–December 2009, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the months—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
October–December 2009	0.0530	1–20	0.0501	>20	N/A	N/A

Issued in Washington, DC, on this 8th day of September 2009.

Vincent K. Snowbarger,

Acting Director, Pension Benefit Guaranty Corporation.

[FR Doc. E9–22129 Filed 9–14–09; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 356

[Docket No. BPD GSRS 09–02]

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Customer Confirmation Reporting Requirement Threshold Amount

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: Treasury recently raised the customer confirmation reporting requirement threshold amount from $750 million to $2 billion for all Treasury marketable securities auctions. This final rule amends Treasury's auction rules to conform to the new $2 billion threshold amount.

DATES: *Effective Date:* Effective September 15, 2009.

ADDRESSES: This final rule is available on the Bureau of the Public Debt's Web site at: *http://www.treasurydirect.gov*. It is also available for public inspection and copying at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC, 20220. To visit the library, one can call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena, Lee Grandy, or Kevin Hawkins, Department of the Treasury, Bureau of the Public Debt, Government Securities Regulations Staff, (202) 504–3632.

SUPPLEMENTARY INFORMATION: The Department of the Treasury (''Treasury,'' ''we,'' or ''us'') is issuing an amendment to 31 CFR 356.24(d) of the Uniform Offering Circular for the Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (''UOC'' or ''auction rules'') [1] to raise the threshold amount for the customer confirmation reporting requirement from $750 million to $2 billion. In a press release on June 25, 2009, we announced that this new threshold amount would be effective beginning with auctions conducted on June 29, 2009.[2] Beginning with the Treasury auctions announced on June 25, 2009, we stated the new threshold amount in each Treasury auction offering announcement.[3] This final rule amends the UOC to conform to the new $2 billion threshold amount.[4] Treasury is also restructuring, without making any substantive changes, the current § 356.24(d) to make clearer which provisions apply to customers and which apply to submitters and intermediaries.

Starting in 1992, Treasury required customers [5] that were awarded a par amount of $500 million or more in a Treasury auction to provide written confirmation of their awarded bids, including the name of the submitter that submitted the bids on their behalf.[6] The confirmation must also include a statement with specific information related to the customer's net long position.[7] The customer must send the confirmation no later than 10 a.m. on the day following the auction. The UOC requires that the confirmation be in writing and signed by the customer or by an authorized representative.[8] Treasury established the customer confirmation reporting requirement in order to verify the authenticity of large customer bids that resulted in securities being awarded. Treasury subsequently raised the customer confirmation reporting requirement threshold amount in § 356.24(d) from $500 million to $750 million, effective on January 1, 2007.[9] Treasury auction offering amounts, on average, are substantially higher than when we last raised the customer confirmation reporting requirement threshold amount in 2007. For this reason, on June 25, 2009, Treasury again raised the customer confirmation threshold, from $750 million to $2 billion.[10] We now amend the UOC to reflect that change.

We have restructured § 356.24(d) to make clearer which provisions apply to customers and which apply to submitters and intermediaries. The new subparagraph (d)(1) states the customer

[1] The UOC was published as a final rule on January 5, 1993, at 58 FR 412, and is codified, as amended, at 31 CFR part 356. The UOC, together with the offering announcement for each auction, sets out the terms and conditions for the sale and issuance by Treasury to the public of marketable book-entry Treasury bills, notes, and bonds.

[2] Public Debt News Release on June 25, 2009, which is available at the Bureau of the Public Debt's Web site at: *http://www.treasurydirect.gov/instit/annceresult/press/preanre/2009/BPD_SPL_20090625_1.pdf.*

[3] *See* June 25, 2009 Treasury offering announcements for the 91-day, 182-day, and 364-day Treasury bills. As noted in § 356.10, if anything in the auction announcement differs from the UOC, the auction announcement will control.

[4] Once this final rule becomes effective, we will no longer include the customer confirmation threshold amount in each specific offering announcement.

[5] ''Customer'' is already defined in the UOC as a bidder that directs a depository institution or dealer to submit or forward a bid for a specific amount of securities in a specific auction on the bidder's behalf. § 356.2.

[6] § 356.24(d). *See* Department of the Treasury, Securities and Exchange Commission and Board of Governors of the Federal Reserve System, *Joint Report on the Government Securities Market* 7–8. (January 1992).

[7] § 356.24(d).

[8] If an authorized representative signs the confirmation, it must include the capacity in which the representative is acting. *Id.*

[9] 71 FR 76150, December 20, 2006. Treasury also added e-mail as an acceptable method for customers to send confirmations.

[10] *See* note 2, *supra.*

requirements, including the new threshold amount in (d)(1)(i). Subparagraph (d)(2) applies to submitters and intermediaries.

Also, Treasury is making one change to the text in the new § 356.24(d)(1)(ii)(A), formerly in § 356.24(d)(1), to clarify that the customer must provide a confirmation of all of its awarded bids, including the name of ''each'' submitter that submitted bids on the customer's behalf. In other words, if more than one submitter submitted bids for a customer, then that customer must still confirm all of its awarded bids, provided the total amount of the awarded bids is $2 billion or more.

We are making an additional change to the language in the new § 356.24(d)(1)(i), formerly in § 356.24(d), to clarify that the customer must provide confirmation of the awarded bid(s) on the ''next business'' day following the auction.[11]

Regulatory Analysis and Review

Executive Order 12866. This rule is not a significant regulatory action pursuant to Executive Order 12866.

Administrative Procedure Act (APA). Because this rule relates to United States securities, which are contracts between Treasury and the owner of the security, this rule falls within the contract exception to the APA, 5 U.S.C. 553(a)(2). As a result, the notice, public comment, and delayed effective date provisions of the APA are inapplicable to this rule.

Regulatory Flexibility Act. The provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply to this rule because, pursuant to 5 U.S.C. 553(a)(2), it is not required to be issued with notice and opportunity for public comment.

Paperwork Reduction Act (PRA). There is no new collection of information contained in this final rule that would be subject to the PRA, 44 U.S.C. 3501 *et seq.* Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The Office of Management and Budget already has approved all collections of information in 31 CFR part 356, under OMB control number 1535–0112.

Congressional Review Act (CRA). This rule is not a major rule pursuant to the CRA, 5 U.S.C. 801 *et seq.,* because it is a minor amendment to the reporting requirements Treasury places on customers submitting bids in Treasury marketable securities auctions. This rule actually requires less reporting and therefore, is not expected to lead to any of the results listed in 5 U.S.C. 804(2).

List of Subjects in 31 CFR Part 356

Bonds, Federal Reserve System, Government securities, Securities.

■ For the reasons set forth in the preamble, 31 CFR part 356 is amended as follows:

PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

■ 1. The authority citation for part 356 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3102 *et seq.*; 12 U.S.C. 391.

■ 2. Revise § 356.24(d) to read as follows:

§ 356.24 Will I be notified directly of my awards and, if I am submitting bids for others, do I have to provide confirmations?

* * * * *

(d) *Customer confirmation*—(1) *Customer requirements*—(i) *When and how must a customer confirm its awards?* Any customer awarded a par amount of $2 billion or more in an auction must send us a confirmation in written form or via e-mail containing the information in paragraph (d)(1)(ii) of this section. The confirmation must be sent no later than 10 a.m. Eastern Time on the next business day following the auction. If sent in written form, the confirmation must be signed by the customer or authorized representative. Confirmations sent by e-mail must be sent by the customer or authorized representative. Confirmations signed or sent by an authorized representative must include the capacity in which the representative is acting.

(ii) *What must the customer include in its confirmation?* The information the customer must provide is:

(A) A confirmation of the awarded bid(s), including the name of each submitter that submitted the bid(s) on the customer's behalf, and

(B) A statement indicating whether the customer had a reportable net long position as defined in § 356.13. If a position had to be reported, the statement must provide the amount of the position and the name of the submitter that the customer requested to report the position.

(2) *Submitter or intermediary requirements.* A submitter or intermediary submitting or forwarding bids for a customer must notify the customer of the customer confirmation reporting requirement if we award the customer $2 billion or more as a result of those bids.

Richard L. Gregg,

Acting Fiscal Assistant Secretary.

[FR Doc. E9–22147 Filed 9–14–09; 8:45 am]

BILLING CODE 4810–39–P

[11] ''Business day'' is already defined in the UOC as any day on which the Federal Reserve Banks are open for business. § 356.2.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 02–10; FCC 09–63]

Procedures To Govern the Use of Satellite Earth Stations on Board Vessels in the 5925–6425 MHz/3700–4200 MHz Bands and 14.0–14.5 GHz/11.7–12.2 GHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) modifies its C-band and Ku-band licensing and service rules for Earth Stations on Board Vessels (ESVs) in order to promote greater ESV operational flexibility without causing harmful interference to the fixed service (FS) and fixed-satellite service (FSS) operators and a limited number of Government operations in those bands.

DATES: Effective October 15, 2009, except for §§ 25.221(b)(1)(i) through (iii), 25.222(b)(1)(i) through (iii), 25.221(b)(1)(iv)(A), (B); 25.222(b)(1)(iv)(A), (B), 25.221(b)(2)(i) through (v), 25.222(b)(2)(i) through (v), 25.221(b)(4); 25.222(b)(4), which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date for those sections. The Commission will send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

FOR FURTHER INFORMATION CONTACT: Jennifer Balatan or Howard Griboff, Policy Division, International Bureau, (202) 418–1460.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration,* adopted on July 30, 2009, and released on July 31, 2009 (FCC 09–63). The full text of this

document is available for inspection and copying during normal business hours in the Commission Reference Center, 445 12th Street, SW., Washington, DC 20554. The document is also available for download over the Internet at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-63A1.doc.* The complete text may also be purchased from the Commission's copy contractor, Best Copy and Printing, in person at 445 12th Street, SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202) 488–5563, or via e-mail at *Commission@bcpiweb.com.*

Summary of the Order on Reconsideration

On December 15, 2004, the Commission adopted the *ESV Report and Order* in IB Docket No. 02–10 (*ESV Order*) (70 FR 4775–01, January 31, 2005, as amended at 40 FR 34665–01, June 15, 2005), establishing licensing and service rules for ESVs operating in the 5925–6425 MHz/3700–4200 MHz (C-band) and 14.0–14.5 GHz/11.7–12.2 GHz (Ku-band) frequencies. On July 30, 2009, the Commission adopted this *Order on Reconsideration,* which considers four petitions seeking reconsideration and/or clarification of the *ESV Order.* In particular, with respect to measures for protecting the FSS, the Commission: (1) Allows ESV operators to operate at higher power levels as long as they satisfy certain conditions; (2) permits ESVs operating below the off-axis e.i.r.p. spectral-density limits to declare their own antenna pointing error and; (3) modifies the starting angle of the off-axis e.i.r.p.-density envelope to 1.5 degrees. With respect to measures protecting the FS, the Commission amends § 25.221(a)(11) to clarify that the phrase ''a fixed service offshore installation'' refers to U.S.-licensed FS offshore installations and that ESVs must coordinate with U.S.-licensed FS operators prior to operation. The Commission also clarifies that the public notice requirement should specify that only the FS operators that have been excluded from the coordination are allowed to object in response to the public notice and only with respect to being excluded from the coordination, and that ESVs should be required to shut down only those frequencies used by the objecting FS operator that has been excluded from the coordination. In addition, the Commission reduces the distance from the U.S. coastline (from 300 kilometers to 125 kilometers) within which Ku-band foreign-registered vessels with non-U.S. hubs must operate pursuant to a bilateral agreement or ITU 4.4.

Finally, the Commission makes procedural changes to the ESV rules, such as separating the ESV operational requirements from the ESV application requirements, in order to simplify the organization of those rules.

Final Regulatory Flexibility Certification—Order on Reconsideration

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the U.S. Small Business Administration (SBA).

In light of the rules adopted in the *ESV Order,* we find that there are only two categories of licensees that would be affected by the new rules. These categories of licensees are Satellite Telecommunications and Fixed-Satellite Transmit/Received Earth Stations. The SBA has determined that the small business size standard for Satellite Telecommunications is a business that has $15 million or less in average annual receipts. Currently there are approximately 3,390 operational fixed-satellite transmit/received earth stations authorized for use in the C- and Ku-bands. The Commission does not request or collect annual revenue information, and thus is unable to estimate the number of earth stations that would constitute a small business under the SBA definition. Of the two classifications of licensees, we estimate that only 15 entities will provide ESV service. For the reasons described below, we certify that the policies and rules adopted in this *Order on Reconsideration* will not have a significant economic impact on a substantial number of small entities. In the *ESV Order,* the Commission established licensing and service rules for ESVs operating in the 5925–6425 MHz/3700–4200 MHz (C-band) and 14.0–14.5 GHz/11.7–12.2 GHz (Ku-band) frequencies. These rules allow ESV operations in the C- and Ku-bands, while ensuring that ESVs protect FS, FSS operators, and a limited number of Government operations in these bands from harmful interference. In this *Order on Reconsideration,* the Commission clarifies and modifies certain ESV rules designed to protect the FSS and the FS in the C- and Ku-bands. In particular, we modify our rules to protect the FSS by allowing greater operational flexibility for ESVs. For example, ESVs may operate at higher off-axis power-density levels as long as the ESV remains within the parameters of the coordination agreements between the target satellite and adjacent satellites. With regard to protecting the FS in the C-band, we clarify the ESV requirement to protect offshore FS and clarify and modify the requirement for an ESV to cease emissions if an FS at a particular location has been excluded from the coordination with the ESV. Finally, to further promote flexibility in the Ku-band, we shorten the distance from the U.S. coastline within which foreign-registered vessels that operate with non-U.S. hubs must comply with a bilateral agreement or ITU RR 4.4.

The Commission does not expect small entities to incur significant costs associated with the changes adopted in this *Order on Reconsideration.* The changes will benefit both large and small entities by allowing greater operational flexibility in providing ESV service. We believe these requirements are nominal and do not impose a significant economic impact on small entities. Therefore, we certify that the requirements adopted in this *Order on Reconsideration* will not have a significant economic impact on a substantial number of small entities.

Final Paperwork Reduction Act of 1995 Analysis—Order on Reconsideration

This *Order on Reconsideration* contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies were invited to comment on the modified information collection contained in this proceeding (74 FR 41698, August 18, 2009).

Ordering Clauses

Pursuant to Sections 4(i), 7, 302, 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157, 302, 303(c), 303(e), 303(f) and 303(r), this Order on Reconsideration *is adopted.* Part 25 of the Commission's rules *is amended*, as specified below in the rule

revisions, effective October 15, 2009 except for §§ 25.221(b)(1)(i) through (iii), 25.222(b)(1)(i) through (iii), 25.221(b)(1)(iv)(A), (B); 25.222(b)(1)(iv)(A), (B), 25.221(b)(2)(i) through (v), 25.222(b)(2)(i) through (v), 25.221(b)(4); 25.222(b)(4), which contain information collection requirements that are not effective until approved by the Office of Management and Budget.

The Petition for Reconsideration filed by ARINC Incorporated *is granted* in part to the extent described above and *is denied* in all other respects.

The Petition for Reconsideration filed by The Boeing Company *is granted* in part to the extent described above and *is denied* in all other respects.

The Petition for Reconsideration filed by the Fixed Wireless Communications Coalition *is denied* in part to the extent described above and *is dismissed* in all other respects.

The Petition for Reconsideration filed by the Maritime Telecommunications Network *is granted* in part to the extent described above and *is denied* in all other respects.

The Final Regulatory Flexibility Certification, as required by Section 604 of the Regulatory Flexibility Act, IS ADOPTED.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order on Reconsideration including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Rule Revisions

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309 and 332 of the Communications Act, as amended, 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, unless otherwise noted.

■ 2. Section 25.132 is amended by revising paragraph (b)(3) as follows:

§ 25.132 Verification of earth station antenna performance standards.

* * * * *

(b) * * *

(b)(3) Applicants seeking authority to use an antenna that does not meet the standards set forth in § 25.209(a) and (b), pursuant to the procedure set forth in § 25.220, § 25.221, § 25.222, or § 25.223(c), are required to submit a copy of the manufacturer's range test plots of the antenna gain patterns specified in paragraph (b)(1) of this section.

* * * * *

■ 3. Section 25.221 is revised to read as follows:

§ 25.221 Blanket Licensing provisions for Earth Stations on Vessels (ESVs) receiving in the 3700–4200 MHz (space-to-Earth) frequency band and transmitting in the 5925–6425 MHz (Earth-to-space) frequency band, operating with Geostationary Satellite Orbit (GSO) Satellites in the Fixed-Satellite Service.

(a) The following ongoing requirements govern all ESV licensees and operations in the 3700–4200 MHz (space-to-Earth) and 5925–6425 MHz (Earth-to-space) bands transmitting to GSO satellites in the fixed-satellite service. ESV licensees must comply with the requirements in either paragraph (a)(1) or (a)(2) of this section and all of the requirements set forth in paragraphs (a)(3) through (a)(12) of this section. Paragraph (b) of this section identifies items that must be included in the application for ESV operations to demonstrate that these ongoing requirements will be met.

(1) The following requirements shall apply to an ESV that uses transmitters with off-axis effective isotropically radiated power (EIRP) spectral-densities lower than or equal to the levels in paragraph (a)(1)(i) of this section. An ESV, or ESV system, operating under this section shall provide a detailed demonstration as described in paragraph (b)(1) of this section. The ESV transmitter must also comply with the antenna pointing and cessation of emission requirements in paragraphs (a)(1)(ii) and (a)(1)(iii) of this section.

(i) An ESV system shall not exceed the off-axis EIRP spectral-density limits and conditions defined in paragraphs (a)(1)(i)(A) through (a)(1)(i)(D) of this section.

(A) The off-axis EIRP spectral-density emitted from the ESV, in the plane of the GSO as it appears at the particular earth station location, shall not exceed the following values:

$26.3 - 10\log(N) - 25\log\theta$	dBW/4 kHz	for	$1.5° \leq \theta \leq 7°$
$5.3 - 10\log(N)$	dBW/4 kHz	for	$7° < \theta \leq 9.2°$
$29.3 - 10\log(N) - 25\log\theta$	dBW/4 kHz	for	$9.2° < \theta \leq 48°$
$-12.7 - 10\log(N)$	dBW/4 kHz	for	$48° < \theta \leq 180°$

Where theta (θ) is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite, the plane of the GSO is determined by the focal point of the antenna and the line tangent to the arc of the GSO at the orbital location of the target satellite. For an ESV network using frequency division multiple access (FDMA) or time division multiple access (TDMA) techniques, N is equal to one. For ESV networks using multiple co-frequency transmitters that have the same EIRP, N is the maximum expected number of co-frequency simultaneously transmitting ESV earth stations in the same satellite receiving beam. For the purpose of this section, the peak EIRP of an individual sidelobe may not exceed the envelope defined above for θ between 1.5° and 7.0°. For θ greater than 7.0°, the envelope may be exceeded by no more than 10% of the sidelobes, provided no individual sidelobe exceeds the envelope given above by more than 3 dB.

(B) In all directions other than along the GSO, the off-axis EIRP spectral-density for co-polarized signals emitted from the ESV shall not exceed the following values:

29.3 − 10log(N) − 25logθ	dBW/4 kHz	for	3.0° ≤ θ ≤ 48°
−12.7 − 10log(N)	dBW/4 kHz	for	48° < θ ≤ 180°

Where θ and N are defined in paragraph (a)(1)(i)(A) of this section. This off-axis EIRP spectral-density applies in any plane that includes the line connecting the focal point of the antenna to the orbital location of the target satellite with the exception of the plane of the GSO as defined in paragraph (a)(1)(i)(A) of this section. For the purpose of this section, the envelope may be exceeded by no more than 10% of the sidelobes provided no individual sidelobe exceeds the gain envelope given above by more than 6 dB. The region of the main reflector spillover energy is to be interpreted as a single lobe and shall not exceed the envelope by more than 6 dB.

(C) In all directions, the off-axis EIRP spectral-density for cross-polarized signals emitted from the ESV shall not exceed the following values:

16.3 − 10log(N) − 25logθ	dBW/4 kHz	for	1.8° ≤ θ ≤ 7.0°
−4.7 − 10log(N)	dBW/4 kHz	for	7.0° < θ ≤ 9.2°

Where θ and N are defined as set forth in paragraph (a)(1)(i)(A) of this section. This EIRP spectral-density applies in any plane that includes the line connecting the focal point of the antenna to the orbital location of the target satellite.

(D) For non-circular ESV antennas, the major axis of the antenna will be aligned with the tangent to the arc of the GSO at the orbital location of the target satellite, to the extent required to meet the specified off-axis EIRP spectral-density criteria.

(ii) Each ESV transmitter must meet one of the following antenna pointing requirements:

(A) Each ESV transmitter shall maintain a pointing error of less than or equal to 0.2° between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna, or

(B) Each ESV transmitter shall maintain the declared maximum antenna pointing error that may be greater than 0.2° provided that the ESV does not exceed the off-axis EIRP spectral-density limits in paragraph (a)(1)(i) of this section, taking into account the antenna pointing error.

(iii) Each ESV transmitter must meet one of the following cessation of emission requirements:

(A) For ESVs operating under paragraph (a)(1)(ii)(A) of this section, all emissions from the ESV shall automatically cease within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5°, and transmission will not resume until such angle is less than or equal to 0.2°, or

(B) For ESV transmitters operating under paragraph (a)(1)(ii)(B) of this section, all emissions from the ESV shall automatically cease within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds the declared maximum antenna pointing error and shall not resume transmissions until such angle is less than or equal to the declared maximum antenna pointing error.

(2) The following requirements shall apply to an ESV that uses off-axis EIRP spectral-densities in excess of the levels in paragraph (a)(1)(i) of this section. An ESV, or ESV system, operating under this section shall file certifications and provide a detailed demonstration as described in paragraph (b)(2) of this section.

(i) The ESV shall transmit only to the target satellite system(s) referred to in the certifications required by paragraph (b)(2) of this section.

(ii) If a good faith agreement cannot be reached between the target satellite operator and the operator of a future satellite that is located within 6 degrees longitude of the target satellite, the ESV operator shall accept the power-density levels that would accommodate that adjacent satellite.

(iii) The ESV shall operate in accordance with the off-axis EIRP spectral-densities that the ESV supplied to the target satellite operator in order to obtain the certifications listed in paragraph (b)(2) of this section. The ESV shall automatically cease emissions within 100 milliseconds if the ESV transmitter exceeds the off-axis EIRP spectral-densities supplied to the target satellite operator.

(3) There shall be a point of contact in the United States, with phone number and address, available 24 hours a day, seven days a week, with authority and ability to cease all emissions from the ESVs, either directly or through the facilities of a U.S. Hub or a Hub located in another country with which the United States has a bilateral agreement that enables such cessation of emissions.

(4) For each ESV transmitter, a record of the ship location (*i.e.,* latitude/longitude), transmit frequency, channel bandwidth and satellite used shall be time annotated and maintained for a period of not less than 1 year. Records will be recorded at time intervals no greater than every 20 minutes while the ESV is transmitting. The ESV operator will make this data available upon request to a coordinator, fixed system operator, fixed-satellite system operator, or the Commission within 24 hours of the request.

(5) ESV operators communicating with vessels of foreign registry must maintain detailed information on each vessel's country of registry and a point of contact for the relevant administration responsible for licensing ESVs.

(6) ESV operators shall control all ESVs by a Hub earth station located in the United States, except that an ESV on U.S.-registered vessels may operate under control of a Hub earth station location outside the United States provided the ESV operator maintains a point of contact within the United States that will have the capability and authority to cause an ESV on a U.S.-registered vessel to cease transmitting if necessary.

(7) ESV operators transmitting in the 5925–6425 MHz (Earth-to-space) frequency bands to GSO satellites in the fixed-satellite service (FSS) shall not seek to coordinate, in any geographic location, more than 36 megahertz of uplink bandwidth on each of no more than two GSO FSS satellites.

(8) ESVs shall not operate in the 5925–6425 MHz (Earth-to-space) and 3700–4200 MHz (space-to-Earth) frequency bands on vessels smaller than 300 gross tons.

(9) ESVs, operating while docked, that complete coordination with terrestrial stations in the 3700–4200 MHz band in accordance with § 25.251, shall receive protection from such terrestrial stations in accordance with the coordination agreements, for 180 days, renewable for 180 days.

(10) ESVs in motion shall not claim protection from harmful interference from any authorized terrestrial stations

or lawfully operating satellites to which frequencies are either already assigned, or may be assigned in the future in the 3700–4200 MHz (space-to-Earth) frequency band.

(11) ESVs operating within 200 km from the baseline of the United States, or within 200 km from a U.S.-licensed fixed service offshore installation, shall complete coordination with potentially affected U.S.-licensed fixed service operators prior to operation. The coordination method and the interference criteria objective shall be determined by the frequency coordinator. The details of the coordination shall be maintained and available at the frequency coordinator, and shall be filed with the Commission to be placed on public notice. Operation of each individual ESV may commence immediately after the public notice is released that identifies the notification sent to the Commission. Continuance of operation of that ESV for the duration of the coordination term shall be dependent upon successful completion of the normal public notice process. If, prior to the end of the 30-day comment period of the public notice, any objections are received from U.S.-licensed fixed service operators that have been excluded from coordination, the ESV licensee shall immediately cease operation of that particular station on frequencies used by the affected U.S.-licensed fixed service station until the coordination dispute is resolved and the ESV licensee informs the Commission of the resolution.

(12) ESV operators must automatically cease transmission if the ESV operates in violation of the terms of its coordination agreement, including, but not limited to, conditions related to speed of the vessel or if the ESV travels outside the coordinated area, if within 200 km from the baseline of the United States, or within 200 km from a U.S.-licensed fixed service offshore installation. Transmissions may be controlled by the ESV network. The frequency coordinator may decide whether ESV operators should automatically cease transmissions if the vessel falls below a prescribed speed within a prescribed geographic area.

(b) Applications for ESV operation in the 5925–6425 MHz (Earth-to-space) band to GSO satellites in the fixed-satellite service must include, in addition to the particulars of operation identified on Form 312, and associated Schedule B, the applicable technical demonstrations in paragraphs (b)(1) or (b)(2) of this section and the documentation identified in paragraphs (b)(3) through (b)(5) of this section.

(1) An ESV applicant proposing to implement a transmitter under paragraph (a)(1) of this section must demonstrate that the transmitter meets the off-axis EIRP spectral-density limits contained in paragraph (a)(1)(i) of this section. To provide this demonstration, the application shall include the tables described in paragraph (b)(1)(i) of this section or the certification described in paragraph (b)(1)(ii) of this section. The ESV applicant also must provide the value N described in paragraph (a)(1)(i)(A) of this section. An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(A) of this section must provide the certifications identified in paragraph (b)(1)(iii) of this section. An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(B) of this section must provide the demonstrations identified in paragraph (b)(1)(iv) of this section.

(i) Any ESV applicant filing an application pursuant to paragraph (a)(1) of this section must file three tables showing the off-axis EIRP level of the proposed earth station antenna in the direction of the plane of the GSO; the co-polarized EIRP in the elevation plane, that is, the plane perpendicular to the plane of the GSO; and cross polarized EIRP. In each table, the EIRP level must be provided at increments of 0.1° for angles between 0° and 10° off-axis, and at increments of 5° for angles between 10° and 180° off-axis.

(A) For purposes of the off-axis EIRP table in the plane of the GSO, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital position of the target satellite, and the plane of the GSO is determined by the focal point of the antenna and the line tangent to the arc of the GSO at the orbital position of the target satellite.

(B) For purposes of the off-axis co-polarized EIRP table in the elevation plane, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital position of the target satellite, and the elevation plane is defined as the plane perpendicular to the plane of the GSO defined in paragraph (b)(1)(i)(A) of this section.

(C) For purposes of the cross-polarized EIRP table, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital position of the target satellite and the plane of the GSO as defined in paragraph (b)(1)(i)(A) of this section will be used.

(ii) A certification, in Schedule B, that the ESV antenna conforms to the gain pattern criteria of § 25.209(a) and (b), that, combined with the maximum input power density calculated from the EIRP density less the antenna gain, which is entered in Schedule B, demonstrates that the off-axis EIRP spectral density envelope set forth in paragraphs (a)(1)(i)(A) through (a)(1)(i)(C) of this section will be met under the assumption that the antenna is pointed at the target satellite.

(iii) An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(A) of this section, must provide a certification from the equipment manufacturer stating that the antenna tracking system will maintain a pointing error of less than or equal to 0.2° between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna and that the antenna tracking system is capable of ceasing emissions within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5°.

(iv) An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(B) of this section must:

(A) Declare, in its application, a maximum antenna pointing error and demonstrate that the maximum antenna pointing error can be achieved without exceeding the off-axis EIRP spectral-density limits in paragraph (a)(1)(i) of this section; and

(B) Demonstrate that the ESV transmitter can detect if the transmitter exceeds the declared maximum antenna pointing error and can cease transmission within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds the declared maximum antenna pointing error, and will not resume transmissions until the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna is less than or equal to the declared maximum antenna pointing error.

(2) An ESV applicant proposing to implement a transmitter under paragraph (a)(2) of this section and using off-axis EIRP spectral-densities in excess of the levels in paragraph (a)(1)(i) of this section shall provide the following certifications and demonstration as exhibits to its earth station application:

(i) A statement from the target satellite operator certifying that the proposed operation of the ESV has the potential to create harmful interference to satellite networks adjacent to the target satellite(s) that may be unacceptable.

(ii) A statement from the target satellite operator certifying that the power-density levels that the ESV applicant provided to the target satellite operator are consistent with the existing coordination agreements between its satellite(s) and the adjacent satellite systems within 6° of orbital separation from its satellite(s).

(iii) A statement from the target satellite operator certifying that it will include the power-density levels of the ESV applicant in all future coordination agreements.

(iv) A demonstration from the ESV operator that the ESV system is capable of detecting and automatically ceasing emissions within 100 milliseconds when the transmitter exceeds the off-axis EIRP spectral-densities supplied to the target satellite operator.

(v) A certification from the ESV operator that the ESV system complies with the power limits in § 25.204(h).

(3) There shall be an exhibit included with the application describing the geographic area(s) in which the ESVs will operate.

(4) The point of contact information referred to in paragraph (a)(3) of this section and, if applicable, paragraph (a)(6) of this section, must be included in the application.

(5) ESVs that exceed the radiation guidelines of § 1.1310 of this chapter, Radiofrequency radiation exposure limits, must provide, with their environmental assessment, a plan for mitigation of radiation exposure to the extent required to meet those guidelines.

■ 4. Section 25.222 is revised to read as follows:

§ 25.222 Blanket Licensing provisions for Earth Stations on Vessels (ESVs) receiving in the 10.95–11.2 GHz (space-to-Earth), 11.45–11.7 GHz (space-to-Earth), 11.7–12.2 GHz (space-to-Earth) frequency bands and transmitting in the 14.0–14.5 GHz (Earth-to-space) frequency band, operating with Geostationary Orbit (GSO) Satellites in the Fixed-Satellite Service.

(a) The following ongoing requirements govern all ESV licensees and operations in the 10.95–11.2 GHz (space-to-Earth), 11.45–11.7 GHz (space-to-Earth), 11.7–12.2 GHz (space-to-Earth) frequency bands and 14.0–14.5 GHz (Earth-to-space) bands transmitting to GSO satellites in the fixed-satellite service. ESV licensees must comply with the requirements in either paragraph (a)(1) or (a)(2) of this section and all of the requirements set forth in paragraphs (a)(3) through (a)(7) of this section. Paragraph (b) of this section identifies items that must be included in the application for ESV operations to demonstrate that these ongoing requirements will be met.

(1) The following requirements shall apply to an ESV that uses transmitters with off-axis effective isotropically radiated power (EIRP) spectral-densities lower than or equal to the levels in paragraph (a)(1)(i)(A) of this section. An ESV, or ESV system, operating under this section shall provide a detailed demonstration as described in paragraph (b)(1) of this section. The ESV transmitter also must comply with the antenna pointing and cessation of emission requirements in paragraphs (a)(1)(ii) and (a)(1)(iii) of this section.

(i) An ESV system shall not exceed the off-axis EIRP spectral-density limits and conditions defined in paragraphs (a)(1)(i)(A) through (a)(1)(i)(D) of this section.

(A) The off-axis EIRP spectral-density emitted from the ESV, in the plane of the GSO as it appears at the particular earth station location, shall not exceed the following values:

$15 - 10\log(N) - 25\log\theta$	dBW/4 kHz	for	$1.5° \leq \theta \leq 7°$
$-6 - 10\log(N)$	dBW/4 kHz	for	$7° < \theta \leq 9.2°$
$18 - 10\log(N) - 25\log\theta$	dBW/4 kHz	for	$9.2° < \theta \leq 48°$
$-24 - 10\log(N)$	dBW/4 kHz	for	$48° < \theta \leq 85°$
$-14 - 10\log(N)$	dBW/4 kHz	for	$85° < \theta \leq 180°$

Where theta (θ) is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite, the plane of the GSO is determined by the focal point of the antenna and the line tangent to the arc of the GSO at the orbital location of the target satellite. For ESV networks using frequency division multiple access (FDMA) or time division multiple access (TDMA) techniques, N is equal to one. For ESV networks using multiple co-frequency transmitters that have the same EIRP, N is the maximum expected number of co-frequency simultaneously transmitting ESV earth stations in the same satellite receiving beam. For the purpose of this section, the peak EIRP of an individual sidelobe may not exceed the envelope defined above for θ between 1.5° and 7.0°. For θ greater than 7.0°, the envelope may be exceeded by no more than 10% of the sidelobes, provided no individual sidelobe exceeds the envelope given above by more than 3 dB.

(B) In all directions other than along the GSO, the off-axis EIRP spectral-density for co-polarized signals emitted from the ESV shall not exceed the following values:

$18 - 10\log(N) - 25\log\theta$	dBW/4 kHz	for	$3.0° \leq \theta \leq 48°$
$-24 - 10\log(N)$	dBW/4 kHz	for	$48° < \theta \leq 85°$
$-14 - 10\log(N)$	dBW/4 kHz	for	$85° < \theta \leq 180°$

Where θ and N are defined in paragraph (a)(1)(i)(A) of this section. This off-axis EIRP spectral-density applies in any plane that includes the line connecting the focal point of the antenna to the orbital location of the target satellite with the exception of the plane of the GSO as defined in paragraph (a)(1)(i)(A) of this section. For the purpose of this section, the envelope may be exceeded by no more than 10% of the sidelobes provided no individual sidelobe exceeds the gain envelope given above by more than 6 dB. The region of the main reflector spillover energy is to be interpreted as a single lobe and shall not exceed the envelope by more than 6 dB.

(C) In all directions, the off-axis EIRP spectral-density for cross-polarized signals emitted from the ESV shall not exceed the following values:

$5 - 10\log(N) - 25\log\theta$	dBW/4 kHz	for	$1.8° \leq \theta \leq 7.0°$
$-16 - 10\log(N)$	dBW/4 kHz	for	$7.0° < \theta \leq 9.2°$

Where θ and N are defined as set forth in paragraph (a)(1)(i)(A) of this section. This EIRP spectral-density applies in any plane that includes the line connecting the focal point of the antenna to the target satellite.

(D) For non-circular ESV antennas, the major axis of the antenna will be aligned with the tangent to the arc of the GSO at the orbital location of the target satellite, to the extent required to meet the specified off-axis EIRP spectral-density criteria.

(ii) Each ESV transmitter must meet one of the following antenna pointing requirements:

(A) Each ESV transmitter shall maintain a pointing error of less than or equal to 0.2° between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna, or

(B) Each ESV transmitter shall declare a maximum antenna pointing error that may be greater than 0.2° provided that the ESV does not exceed the off-axis EIRP spectral-density limits in paragraph (a)(1)(i) of this section, taking into account the antenna pointing error.

(iii) Each ESV transmitter must meet one of the following cessation of emission requirements:

(A) For ESVs operating under paragraph (a)(1)(ii)(A) of this section, all emissions from the ESV shall automatically cease within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5°, and transmission will not resume until such angle is less than or equal to 0.2°, or

(B) For ESV transmitters operating under paragraph (a)(1)(ii)(B) of this section, all emissions from the ESV shall automatically cease within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds the declared maximum antenna pointing error and shall not resume transmissions until such angle is less than or equal to the declared maximum antenna pointing error.

(2) The following requirements shall apply to an ESV that uses off-axis EIRP spectral-densities in excess of the levels in paragraph (a)(1)(i) of this section. An ESV, or ESV system, operating under this section shall file certifications and provide a detailed demonstration as described in paragraph (b)(2) of this section.

(i) The ESV shall transmit only to the target satellite system(s) referred to in the certifications required by paragraph (b)(2) of this section.

(ii) If a good faith agreement cannot be reached between the target satellite operator and the operator of a future satellite that is located within 6 degrees longitude of the target satellite, the ESV operator shall accept the power-density levels that would accommodate that adjacent satellite.

(iii) The ESV shall operate in accordance with the off-axis EIRP spectral-densities that the ESV supplied to the target satellite operator in order to obtain the certifications listed in paragraph (b)(2) of this section. The ESV shall automatically cease emissions within 100 milliseconds if the ESV transmitter exceeds the off-axis EIRP spectral-densities supplied to the target satellite operator.

(3) There shall be a point of contact in the United States, with phone number and address, available 24 hours a day, seven days a week, with authority and ability to cease all emissions from the ESVs, either directly or through the facilities of a U.S. Hub or a Hub located in another country with which the United States has a bilateral agreement that enables such cessation of emissions.

(4) For each ESV transmitter, a record of the ship location (*i.e.,* latitude/longitude), transmit frequency, channel bandwidth and satellite used shall be time annotated and maintained for a period of not less than 1 year. Records will be recorded at time intervals no greater than every 20 minutes while the ESV is transmitting. The ESV operator will make this data available upon request to a coordinator, fixed system operator, fixed-satellite system operator, NTIA, or the Commission within 24 hours of the request.

(5) ESV operators communicating with vessels of foreign registry must maintain detailed information on each vessel's country of registry and a point of contact for the relevant administration responsible for licensing ESVs.

(6) ESV operators shall control all ESVs by a Hub earth station located in the United States, except that an ESV on U.S.-registered vessels may operate under control of a Hub earth station location outside the United States provided the ESV operator maintains a point of contact within the United States that will have the capability and authority to cause an ESV on a U.S.-registered vessel to cease transmitting if necessary.

(7) In the 10.95–11.2 GHz (space-to-Earth) and 11.45–11.7 GHz (space-to-Earth) frequency bands ESVs shall not claim protection from interference from any authorized terrestrial stations to which frequencies are either already assigned, or may be assigned in the future.

(b) Applications for ESV operation in the 14.0–14.5 GHz (Earth-to-space) band to GSO satellites in the fixed-satellite service must include, in addition to the particulars of operation identified on Form 312, and associated Schedule B, the applicable technical demonstrations in paragraphs (b)(1) or (b)(2) of this section and the documentation identified in paragraphs (b)(3) through (b)(5) of this section.

(1) An ESV applicant proposing to implement a transmitter under paragraph (a)(1) of this section must demonstrate that the transmitter meets the off-axis EIRP spectral-density limits contained in paragraph (a)(1)(i) of this section. To provide this demonstration, the application shall include the tables described in paragraph (b)(1)(i) of this section or the certification described in paragraph (b)(1)(ii) of this section. The ESV applicant also must provide the value N described in paragraph (a)(1)(i)(A) of this section. An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(A) of this section must provide the certifications identified in paragraph (b)(1)(iii) of this section. An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(B) of this section must provide the demonstrations identified in paragraph (b)(1)(iv) of this section.

(i) Any ESV applicant filing an application pursuant to paragraph (a)(1) of this section must file three tables showing the off-axis EIRP level of the proposed earth station antenna in the direction of the plane of the GSO; the co-polarized EIRP in the elevation plane, that is, the plane perpendicular to the plane of the GSO; and cross polarized EIRP. In each table, the EIRP level must be provided at increments of 0.1° for angles between 0° and 10° off-axis, and at increments of 5° for angles between 10° and 180° off-axis.

(A) For purposes of the off-axis EIRP table in the plane of the GSO, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite, and the plane of the GSO is determined by the focal point of the antenna and the line tangent to the arc of the GSO at the orbital position of the target satellite.

(B) For purposes of the off-axis co-polarized EIRP table in the elevation plane, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite, and the elevation plane is defined as the plane perpendicular to the plane of the GSO defined in paragraph (b)(1)(i)(A) of this section.

(C) For purposes of the cross-polarized EIRP table, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the orbital location of the target satellite and the plane of the GSO as defined in paragraph (b)(1)(i)(A) of this section will be used.

(ii) A certification, in Schedule B, that the ESV antenna conforms to the gain pattern criteria of § 25.209(a) and (b), that, combined with the maximum input power density calculated from the EIRP density less the antenna gain, which is entered in Schedule B, demonstrates that the off-axis EIRP spectral density envelope set forth in paragraphs (a)(1)(i)(A) through (a)(1)(i)(C) of this section will be met under the assumption that the antenna is pointed at the target satellite.

(iii) An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(A) of this section, must provide a certification from the equipment manufacturer stating that the antenna tracking system will maintain a pointing error of less than or equal to 0.2° between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna and that the antenna tracking system is capable of ceasing emissions within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5°.

(iv) An ESV applicant proposing to implement a transmitter under paragraph (a)(1)(ii)(B) of this section must:

(A) Declare, in their application, a maximum antenna pointing error and demonstrate that the maximum antenna pointing error can be achieved without exceeding the off-axis EIRP spectral-density limits in paragraph (a)(1)(A) of this section; and

(B) Demonstrate that the ESV transmitter can detect if the transmitter exceeds the declared maximum antenna pointing error and can cease transmission within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds the declared maximum antenna pointing error, and will not resume transmissions until the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna is less than or equal to the declared maximum antenna pointing error.

(2) An ESV applicant proposing to implement a transmitter under paragraph (a)(2) of this section and using off-axis EIRP spectral-densities in excess of the levels in paragraph (a)(1)(i) of this section shall provide the following certifications and demonstration as exhibits to its earth station application:

(i) A statement from the target satellite operator certifying that the proposed operation of the ESV has the potential to create harmful interference to satellite networks adjacent to the target satellite(s) that may be unacceptable.

(ii) A statement from the target satellite operator certifying that the power-density levels that the ESV applicant provided to the target satellite operator are consistent with the existing coordination agreements between its satellite(s) and the adjacent satellite systems within 6° of orbital separation from its satellite(s).

(iii) A statement from the target satellite operator certifying that it will include the power-density levels of the ESV applicant in all future coordination agreements.

(iv) A demonstration from the ESV operator that the ESV system is capable of detecting and automatically ceasing emissions within 100 milliseconds when the transmitter exceeds the off-axis EIRP spectral-densities supplied to the target satellite operator.

(3) There shall be an exhibit included with the application describing the geographic area(s) in which the ESVs will operate.

(4) The point of contact referred to in paragraph (a)(3) of this section and, if applicable paragraph (a)(6) of this section, must be included in the application.

(5) ESVs that exceed the radiation guidelines of § 1.1310 of this chapter, Radiofrequency radiation exposure limits, must provide, with their environmental assessment, a plan for mitigation of radiation exposure to the extent required to meet those guidelines.

(c) Operations of ESVs in the 14.0–14.2 GHz (Earth-to-space) frequency band within 125 km of the NASA TDRSS facilities on Guam (located at latitude: 13°36′55″ N, longitude 144°51′22″ E) or White Sands, New Mexico (latitude: 32°20′59″ N, longitude 106°36′31″ W and latitude: 32°32′40″ N, longitude 106°36′48″ W) are subject to coordination through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC). When NTIA seeks to provide similar protection to future TDRSS sites that have been coordinated through the IRAC Frequency Assignment Subcommittee process, NTIA will notify the Commission that the site is nearing operational status. Upon public notice from the Commission, all Ku-band ESV operators must cease operations in the 14.0–14.2 GHz band within 125 km of the new TDRSS site until after NTIA/IRAC coordination for the new TDRSS facility is complete. ESV operations will then again be permitted to operate in the 14.0–14.2 GHz band within 125 km of the new TDRSS site, subject to any operational constraints developed in the coordination process.

(d) Operations of ESVs in the 14.47–14.5 GHz (Earth-to-space) frequency band within (a) 45 km of the radio observatory on St. Croix, Virgin Islands (latitude 17°46′ N, longitude 64°35′ W); (b) 125 km of the radio observatory on Mauna Kea, Hawaii (at latitude 19°48′ N, longitude 155°28′ W); and (c) 90 km of the Arecibo Observatory on Puerto Rico (latitude 18°20′46″ W, longitude 66°45′11″ N) are subject to coordination through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC).

■ 5. Section 25.271 is amended by revising paragraphs (b) and (c) introductory text and by removing paragraph (f).

The revisions read as follows:

§ 25.271 Control of transmitting stations.

* * * * *

(b) The licensee of a transmitting earth station licensed under this part shall ensure that a trained operator is present on the earth station site, or at a designated remote control point for the earth station, at all times that transmissions are being conducted. No operator's license is required for a person to operate or perform maintenance on facilities authorized under this part.

(c) Authority will be granted to operate a transmitting earth station by remote control only on the conditions that:

* * * * *

[FR Doc. E9–22058 Filed 9–14–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

Uniform System of Accounts for Telecommunications Companies

CFR Correction

In Title 47 of the Code of Federal Regulations, Parts 20 to 39, revised as of October 1, 2008, on page 415, in

§ 32.2000, remove and reserve paragraph (i).

[FR Doc. E9–22252 Filed 9–14–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

48 CFR Part 352

Acquisition Regulations

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapters 3 to 5, revised as of October 1, 2008, on page 81, in 352.270–1, in the clause, reinstate paragraph (c)(4) to read as follows:

352.270–1 Accessibility of meetings, conferences, and seminars to persons with disabilities.

* * * * *

(c) * * *

(4) The Contractor is responsible for making a reasonable effort to ascertain the number of individuals with sensory impairments who plan to attend the meeting, conference, or seminar. However, if it can be determined that there will be no person with sensory impairment in attendance, the provision of those services under paragraph (c) of this clause for the nonrepresented group, or groups, is not required.

* * * * *

[FR Doc. E9–22255 Filed 9–14–09; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1545 and 1552

[EPA EPA–HQ–OARM–2008–0817; FRL–8956–4]

RIN 2030–AA98

EPAAR Prescription and Clauses—Government Property—Contract Property Administration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) amends the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. The final rule consolidates the EPAAR physical property clauses (Decontamination, Fabrication, and Government Property), re-designates the prescription number in the data clause, and updates the roles and responsibilities of the contractor, DCMA and CPC.

DATES: This final rule is effective September 15, 2009.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2008–0817. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the OEI Docket. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566–1752. OEI Docket, EPA/DC, EPA West, Public Reading Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Iris Redmon, Acquisition Policy and Training Service Center (3802R) Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–2644; fax number: (202) 565–2553; e-mail address: *redmon.iris@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

Entities potentially affected by this action include firms that are performing or will perform under contract for the EPA which have or have the potential for the use of government property. This includes firms in all industry groups.

II. Background

The Federal Acquisition Regulation (FAR) on Government Property was revised June 14, 2007. The FAR Part 45 revision removed the previous restriction on providing government property for contract performance, and gave contracting officers more flexibility in their determination to provide property. Accordingly, in order to assist EPA contracting officers involved in providing Government Property and contract property administration, it is necessary to amend the EPAAR to incorporate guidance on their use.

The EPAAR revision aligns Agency Government Property policy and procedures with the FAR Part 45, Government Property revision, and encourages contractors to use commercial standards for managing and recording property.

III. Final Rule

This rule amended the EPAAR to revise the prescription for and wording of the government property clause(s). The revision: (1) Re-designates the EPAAR prescription number 1545.106 as 1545.107 and changes the prescription reference in 1552.245–71 Government Furnished Data; (2) consolidates the information in 1552.245–73 Government Property (GP) and 1552.245–72–Fabrication or Acquisition of Nonexpendable Property with 1552.245–70 Decontamination; (3) changes the name of 1552.245–70 from Decontamination to Government Property; and (4) removes 1545.106 prescription, 1552.245–73 Government Property, and 1552.245–72 Fabrication or Acquisition of Nonexpendable Property.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of today's final rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated, and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the final rule on small entities'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Since providing government property will be available equally to large and small entities, this rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and Tribal governments, and the private sector. This final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled, ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the final regulation. EPA also may not issue a regulation that has federalism implications, and preempts State law, unless the Agency consults with State and local officials early in the process of developing the final regulation.

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This final rule would amend the EPAAR to provide guidance on providing government property and make other administrative changes. Thus, the requirements of section 6 of the Executive Order do not apply to this final rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.''

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this final rule.

In the spirit of Executive Order 13175, and consistent with EPA policy to promote communication between EPA and tribal governments, EPA specifically solicits additional comment on this final rule from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23,1997) applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866, and it does not involve decisions on environmental health or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This final rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use'' (66 FR 28335 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law, or otherwise impractical. Voluntary consensus

standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This final rule will use the voluntary standards and or/industry leading practices and standards for Government property management except where inconsistent with law or regulation, as stated in FAR 52.245–1(b).

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental just part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rulemaking does not involve human health or environmental affects.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

V. Response to Comments

We received comments from one commenter during the official comment period which ended July 23, 2009. Minor revisions to the final language were made in response to the comments. The comments are summarized below along with EPA's response.

Comments. The commenter suggests revising paragraph (b) 2.b to: (1) Remove the delegation language from the clause removal, as it may not be appropriate to include delegation language in a clause; or (2) state that EPA's delegation is contingent upon Defense Contract Management Agency's (DCMA) acceptance. In addition, the commenter suggests revising paragraph f.4. to clarify the requirements of both the gaining and losing contractor during the property transfer process.

Response. Partially concur. The delegation language was not removed instead paragraph (b) 2.b was revised to state the Contract Property Coordinator may request property management support from DCMA. If DCMA agrees to provide support DCMA will notify the contractor of the assigned property administrator and the property clearance officer. Lastly, paragraph f.4. was revised to clarify that the shipping contractor must provide the information and elements needed to establish and maintain the property records.

List of Subjects in 48 CFR Parts 1545 and 1552

Environmental protection, Government procurement.

Dated: August 28, 2009.

John C. Gherardini III,

Acting Director, Office of Acquisition Management.

■ For the reasons set forth in the preamble, Chapter 15 of title 48 Code of Federal Regulations parts 1545 and 1552 are amended as follows:

PART 1545—GOVERNMENT PROPERTY

■ 1. The authority citation for part 1545 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

Subpart 1545.1—General

■ 2. Redesignate section 1545.106 as 1545.107, and revise the newly re-designated section to read as follows:

1545.107 Government property clauses.

(a) The Contracting Officer shall insert the contract clause at 1552.245–70:

(1) When it is anticipated that a Contractor will use Government-furnished or Contractor-acquired property in the cleanup of hazardous material as defined in Federal Standard No. 313, or, the toxic chemicals listed 40 CFR 372.65, in the environment.

(2) In all cost-type solicitations and contracts regardless of whether Government Property is initially provided, and in all fixed-price solicitations and contracts whenever Government furnished property is provided.

(b) The Contracting Officer shall insert the contract clause at 1552.245–71, Government-Furnished Data, in any contract in which the Government is to furnish data to the Contractor. The data to be provided shall be identified in the clause.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

Subpart 1552.2—Texts of Provisions and Clauses

■ 4. Revise section 1552.245–70 to read as follows:

1552.245–70 Government property.

As prescribed in 1545.107(a), insert a clause substantially the same as follows:

Government Property

(a) The contractor shall not fabricate or acquire, on behalf of the Government, either directly or indirectly through a subcontract, any item of property without prior written approval from the Contracting Officer. If the Contracting Officer authorizes the contractor to acquire and/or fabricate equipment for use in the performance of this contract, the equipment shall be subject to the provisions of the ''Government Property'' clause and listed on the contract via contract modification.

(b) If the Government provides item(s) of Government property to the contractor for use in the performance of this contract, this property shall be used and maintained by the contractor in accordance with the provisions of the ''Government Property'' clause.

The ''EPA Contract Property Administration Requirements'' provided below apply to this contract.

U.S. Environmental Protection Agency

Contract Property Administration Requirements

1. *Purpose.* This document sets forth the requirements for the U.S. Environmental Protection Agency (EPA) contractors performing Government property management responsibilities under EPA contracts. These requirements supplement those contained in the Government Property clause(s) and Part 45 Government Property of the Federal Acquisition Regulation (FAR).

2. *Contract Property Administration (CPAR)*

a. *EPA Delegation.* EPA delegates all contract property administration to the EPA Contract Property Coordinator (CPC). The delegations apply to all EPA contracts issued with or that have the potential to receive, purchase or acquire Government Property or

include the Government Property clauses. In addition to administering all contract property, the CPC provides technical expertise and assistance to the Contracting Officer (CO) and Contracting Officer Technical Representative (COTR) relative to Government Property.

b. *DCMA Re-delegation.* The CPC may request support for contract property management oversight, including property administration and plant clearance, from the Defense Contract Management Agency (DCMA). If DCMA agrees to provide support, DCMA will notify the contractor of the assigned property administrator (PA) and plant clearance officer (PLCO). The DCMA PA is available to the contractor for assistance in all matters of property administration. Notwithstanding the delegation, as necessary, the contractor may contact the EPA CO. In the event of a disagreement between the contractor and the DCMA PA, the contractor should seek resolution from the CO. Unless, otherwise directed in the contract, or this document, all originals of written information or reports, except direct correspondence between the contractor and the DCMA PA, relative to Government property, should be forwarded to the administrative CO assigned to this contract and the CPC.

c. *Disagreements.* Notwithstanding the delegation(s), as necessary, the contractor may contact the CO. In the event of a disagreement between the contractor and the PA or the CPC the contractor should seek resolution from the CO.

3. *Requests for Government Property.*

In accordance with FAR 45.102, the contractor shall furnish all property required for performing Government contracts. If a contractor believes that Government property is required for performance of the contract, the contractor shall submit a written request to the CO. At a minimum, the request shall contain the following elements:

a. Contract number for which the property is required.

b. An item(s) description, quantity and estimated cost.

c. Certification that no like contractor property exists which could be utilized.

d. A detailed description of the task-related purpose of the property.

e. Explanation of negative impact if property is not provided by the Government.

f. Lease versus purchase analysis shall be furnished with the request to acquire property on behalf of the Government, with the exception of requests for material purchases. The contractor may not proceed with acquisition of property on behalf of the Government until receipt of written authorization from the Contracting Officer.

4. *Transfer of Government Property.* The Contracting Officer initiates the transfer of the government property via a contract modification. The transferor (EPA or another contractor) shall provide to the transferee, the receiving contractor, the information needed to establish and maintain the property records required of FAR 52.245–1, as well as all of the applicable data elements required by Attachment 1 of this clause. The transferee, the receiving contractor, should perform a complete inventory of the property before signing the acceptance document for the property. Accountability will transfer to the receiving contractor upon receipt and acceptance of the property, in accordance with FAR 45.106.

5. *Records of Government Property.*

a. In accordance with FAR 52.245–1, the contractor shall create and maintain records of all Government property, regardless of value, including property provided to and in the possession of a subcontractor. Material provided by the Government or acquired by the contractor and billed as a direct charge to the contract is Government property and records must be established as such.

b. The Contractor shall identify all Superfund property and designate it as such both on the item and on the Government property record. If it is not practicable to tag the item, the contractor shall write the ID number on a tag, card or other entity that may be kept with the item or in a file.

c. Support documentation used for posting entries to the property record shall provide complete, current and auditable data. Entries shall be posted to the record in a timely manner following an action.

d. For Government vehicles, in addition to the data elements required by EPA, the contractor shall also comply with the General Services Administration (GSA) and Department of Energy (DOE) record and report requirements supplied with all EPA provided motor vehicles. If the above requirements were not provided with the vehicle, the contractor shall notify the designated CPC and the Fleet Manager.

e. When Government property is disclosed to be in the management and/or control of the contractor but not provided under any contract, the contractor shall record and report the property in accordance with FAR 52.245–1.

6. *Inventories of Government Property.* The contractor shall conduct a complete physical inventory of EPA property at least once per year. The contractor shall report the results of the inventory, including any discrepancies, to the CO. Reconciliation of discrepancies shall be completed in accordance with the schedule negotiated with the CO. See section 10 herein, Contract Closeout, for information on final inventories.

7. *Reports of Government Property.* EPA requires an annual summary report, for each contract, by contract number, of Government property in the contractor's possession. The annual summary is due as of September 30th of each year, and upon contract termination or expiration.

a. For each classification listed on the EPA Property Report form, with the exception of material, the contractor shall provide the total acquisition cost and total quantity. If there are zero items in a classification, or if there is an ending balance of zero, the classification must be listed with zeros in the quantity and acquisition cost columns.

b. For material, the contractor shall provide the total acquisition cost only.

c. Property classified as Plant Equipment, Superfund and Special Test Equipment must be reported on two separate lines. The first line shall include the total acquisition cost and quantity of all items or systems with a unit acquisition cost of $25,000 or more. The second line shall include the total acquisition cost and quantity of all items with a unit acquisition cost of less than $25,000.

d. For items comprising a system, which is defined as ''a group of interacting items functioning as a complex whole,'' the contractor may maintain the record as a system noting all components of the system under the main component or maintain individual records for each item. However, for the annual report of Government property the components must be reported as a system with one total dollar amount for the system, if that system total is $25,000 or more.

e. The reports are to be received at EPA by the CPC by October 5th of each year.

f. Distribution shall be as follows:

Original to: CPC
One copy: CO

g. Contractors are required to comply with GSA and DOE special reporting requirements for motor vehicles. A statement of these requirements will be provided by the EPA Facility Management and Services Division (FMSD) concurrent with receipt of each vehicle.

h. The contractor shall provide detailed reports on an as-needed basis, as may be requested by the CO or the CPC.

8. *Disposition of Government Property.* The disposition process is composed of three distinct phases: identification, reporting, and final disposition.

a. *Identification.* The disposition process begins with the contractor identifying Government property that is no longer required for contract performance. Effective contract property management systems provide for identification of excess as it occurs. Once Government property has been determined to be excess to the accountable contract, it must be screened against the contractor's other EPA contracts for further use. If the property may be reutilized, the contractor shall notify the CO in writing. Government property will be transferred via contract modifications to other contracts only when the COs on both the current contract and the receiving contract authorize the transfer.

b. *Reporting.*

(i) *EPA.* Government property shall be reported in accordance with FAR 52.245–1. The Standard Form, SF 1428, Inventory Disposal Schedule, provides the format for reporting excess Government property. Instructions for completing and when to use the form may be found at FAR 52.245–1(j). Forward the completed SF 1428 to the CPC. The SF 1428 is available at *http://www.arnet.gov/far/current/html/FormsStandard54.html.* Superfund property must contain a Superfund notification and the following language must be displayed on the form: ''Note to CO: Reimbursement to the EPA Superfund is required.''

(ii) *DCMA.* If the EPA contract has been re-delegated to DCMA, the excess items will be entered into the Plant Clearance Automated Reutilization Screening System (PCARSS). Access and information pertaining to this system may be addressed to the DCMA Plant Clearance Officer (PLCO).

c. *Disposition Instructions.*

(i) *Retention.* When Government property is identified as excess, the CO may direct the

contractor in writing to retain all or part of the excess Government Property under the current contract for possible future requirements.

(ii) *Return to EPA.* When Government property is identified as excess, the CO may direct the contractor in writing to return those items to EPA inventory. The contractor shall ship/deliver the property in accordance with the instructions provided by the CO.

(iii) *Transfer.* When Government property is identified as excess, the CO may direct the contractor in writing to transfer the property to another EPA contractor. The contractor shall transfer the property by shipping it in accordance with the instructions provided by the CO. To effect transfer of accountability, the contractor shall provide the recipient of the property with the applicable data elements set forth in Attachment 1 of this clause.

(iv) *Sale.* If GSA or the DCMA PLCO conducts a sale of the excess Government property, the contractor shall allow prospective bidders access to property offered for sale.

(v) *Abandonment.* Abandoned property must be disposed of in a manner that does not endanger the health and safety of the public. If the contract is delegated to DCMA and the contractor has input EPA property into the PCARSS system, the EPA Property Utilization Officer (PUO) shall notify the CO. The CO shall notify the contractor in writing of those items EPA would like to retain, have returned or transferred to another EPA contractor. The contractor shall notify the DCMA PLCO and request withdrawal of those items from the inventory schedule. The contractor shall update the Government property record to indicate the disposition of the item and to close the record. The contractor shall also obtain either a signed receipt or proof of shipment from the recipient. The contractor shall notify the CO when all actions pertaining to disposition have been completed. The contractor shall complete an EPA Property report with changes, to include supporting documentation of completed disposition actions and submit it to the CPC.

9. *Decontamination.* In addition to the requirements of the ''Government Property'' clause and prior to performing disposition of any EPA Government Property, the contractor shall certify in writing that the property is free from contamination by any hazardous or toxic substances.

10. *Contract Closeout.* The contractor shall complete a physical inventory of all Government property at contract completion and the results, including any discrepancies, shall be reported to the CO. If the contract is delegated to DCMA, the physical inventory report will be submitted to the EPA CO and a copy submitted to the DCMA PA. In the case of a terminated contract, the contractor shall comply with the inventory requirements set forth in the applicable termination clause. The results of the inventory, as well as a detailed inventory listing, must be forwarded to the CO and if delegated, a copy to the DCMA PA. In order to expedite the disposal process, contractors may be required to, or may elect to submit to the CPC, an inventory schedule for disposal purposes up to six (6) months prior to contract completion. If such an inventory schedule is prepared, the contractor must indicate the earliest date that each item may be disposed. The contractor shall update all property records to show disposal action. The contractor shall notify the CO, and, if delegated, the DCMA PA, in writing, when all work has been completed under the contract and all Government property accountable to the contract has been disposed. The contractor shall complete a FINAL EPA Property report with all supporting documentation to the CPC.

Attachment 1

Required Data Element—In addition to the requirements of FAR 52.245–1(f)(vi), Reports of Government Property, the contractor is required to maintain, and report the following data elements for EPA Government property (all elements are not applicable to material): Name and address of the administrative Contracting Officer; Name of the contractor representative; Business type; Name and address of the contract property coordinator; Superfund (Yes/No); No. of Subcontractor/Alternate Locations.

Note: For items comprising a system which is defined as, ''a group of interacting items functioning as a complex whole,'' the contractor may maintain the record as a system noting all components of the system under the main component or maintain individual records for each item. However, for the Annual Report of Government Property, the components must be reported as a system with one total dollar amount for the system, if that system total is $25,000 or more.

(End of clause)

■ 5. Revise section 1552.245–71 to read as follows:

1552.245–71 Government-furnished data.

As prescribed in 1545.107(b), insert the following contract clause in any contract that the Government is to furnish the Contractor data. Identify in the clause the data to be provided.

Government-Furnished Data

(a) The Government shall deliver to the Contractor the Government-furnished data described in the contract. If the data, suitable for its intended use, is not delivered to the Contractor, the Contracting Officer shall equitably adjust affected provisions of this contract in accordance with the ''Changes'' clause when:

(1) The Contractor submits a timely written request for an equitable adjustment; and

(2) The facts warrant an equitable adjustment.

(b) Title to Government-furnished data shall remain in the Government.

(c) The Contractor shall use the Government-furnished data only in connection with this contract.

(d) The following data will be furnished to the Contractor on or about the time indicated:

(End of clause)

1552.245–72 and 1552.245–73 [Removed]

■ 6. Remove sections 1552.245–72 and 1552.245–73.

[FR Doc. E9–22038 Filed 9–14–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 393

Parts and Accessories Necessary for Safe Operation; Lamps and Reflective Devices

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 300 to 399, revised as of October 1, 2008, in § 393.11, on page 375, remove paragraph (d) and on page 377, revise the heading of Table 1 to read ''Table 1 of § 393.11—Required Lamps and Reflectors on Commercial Motor Vehicles''.

[FR Doc. E9–22259 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS-R6-ES-2009-0035]
[MO9221050083-B2]

RIN 1018-AW24

Endangered and Threatened Wildlife and Plants; Taxonomic Change of *Sclerocactus Glaucus* to Three Separate Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the revised taxonomy of *Sclerocactus glaucus* (Uinta Basin hookless cactus) under the Endangered Species Act of 1973, as amended (Act). We determine that *S. glaucus* (previously considered a complex), which is currently listed as a threatened species, is actually three distinct species: *S. brevispinus, S. glaucus*, and *S. wetlandicus*. We are revising the List of Endangered and Threatened Plants to reflect the scientifically accepted taxonomy and nomenclature of these species. In addition, we revise the common names for these species as follows: *S. brevispinus* (Pariette cactus), *S. glaucus*

(Colorado hookless cactus), and *S. wetlandicus* (Uinta Basin hookless cactus). These three species will continue to be listed as threatened with no regulatory changes.

DATES: This rule is effective on October 15, 2009.

ADDRESSES: Comments and materials received, as well as supporting documentation used in the preparation of this final rule, are available for public inspection, by appointment, during normal business hours, at the Utah Field Office, U.S. Fish and Wildlife Service, 2369 W. Orton Circle, Suite 50, West Valley City, UT 84119; telephone 801-975-3330. The final rule is also available on the Internet at *http://www.regulations.gov* and at *http://www.fws.gov/mountain-prairie/species/plants/pariettecactus/*.

FOR FURTHER INFORMATION CONTACT: Larry Crist, Field Supervisor, Utah Field Office (see **ADDRESSES**) (telephone 801-975-3330). People who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

Section 17.12(b) of Title 50 of the Code of Federal Regulations (CFR) requires us to use the most recently accepted scientific name of any species determined by the Service to be an endangered or threatened species. This final rule documents a taxonomic change (scientific and common names) to an entry on the List of Endangered and Threatened Plants (50 CFR 17.12(h)). We find that *Sclerocactus glaucus* (Uinta Basin hookless cactus), as listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*), is three separate species: *S. brevispinus* (Pariette cactus), *S. glaucus* (Colorado hookless cactus), and *S. wetlandicus* (Uinta Basin hookless cactus). Previously, these three species were scientifically classified under the single scientific name of *S. glaucus* (Benson 1966, pp. 50-57; 1982, pp. 728-729). We make this change to the List of Endangered and Threatened Plants (50 CFR 17.12(h)) to reflect the most recently accepted scientific names in accordance with 50 CFR 17.12(b).

These three species will now be listed as threatened under the Act until we conduct a five-factor analysis for each species. As soon as our staff and funding resources allow, we will publish a document in the **Federal Register** that provides the updated five-factor analysis and the prudency determination for critical habitat for each of the three species, and requests public comment on our analyses and prudency determinations.

Previous Federal Actions

On October 11, 1979, we published a final rule listing *Sclerocactus glaucus* (Uinta Basin hookless cactus) as threatened (44 FR 58868).

On February 3, 1997, we received a petition from the National Wilderness Institute to remove *Sclerocactus glaucus* from the List of Endangered and Threatened Plants. On April 25, 2005, we received a petition from the Center for Native Ecosystems and the Utah Native Plant Society requesting that we list *S. brevispinus* (Pariette cactus) as an endangered or threatened species under the Act (independent of its current listing as threatened as part of *S. glaucus*) and that we designate critical habitat.

On December 14, 2006, we published a 90–day finding on both petitions (71 FR 75215). First, we found that the petition to remove *Sclerocactus glaucus* from the List of Endangered and Threatened Plants did not provide substantial information to indicate that delisting may be warranted. Second, we found that the petition to list *S. brevispinus* (Pariette cactus) as an endangered or threatened species provided substantial information to indicate that independent listing of *S. brevispinus* as endangered or threatened may be warranted, and we initiated a status review. In addition, we found that emergency listing of *S. brevispinus* was not warranted, and that designation of critical habitat was not prudent. Further, we defined our understanding of the ''*Sclerocactus glaucus* complex'' as including the three *Sclerocactus* species: *S. brevispinus, S. glaucus,* and *S. wetlandicus*.

On September 18, 2007, we published a 12–month finding (72 FR 53211) on *Sclerocactus brevispinus* (Pariette cactus). We found that reclassifying *S. brevispinus* as a single species and listing that species as endangered was warranted, but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. However, *S. brevispinus* remains listed as threatened as part of the *S. glaucus* (Uinta Basin hookless cactus) complex.

The September 18, 2007, publication (72 FR 53211) also announced our proposal to revise the taxonomy of *Sclerocactus glaucus* (Uinta Basin hookless cactus) to recognize three separate species. In accordance with the best available scientific information, we proposed to recognize three distinct species and assign the following common names: *S. brevispinus* (Pariette cactus), *S. glaucus* (Colorado hookless cactus), and *S. wetlandicus* (Uinta Basin hookless cactus). We also stated that *S. glaucus* and *S. wetlandicus* continued to meet the definition of ''threatened'' under the Act, and that listing *S. brevispinus* as endangered under the Act was warranted, but precluded by higher priority actions.

Comments on Proposed Taxonomic Classification

Peer Review

In accordance with our joint policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), and based on our implementation of the Office of Management and Budget's Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we sought the expert opinions of appropriate and independent specialists regarding the science in our proposed rule. The basis for the proposed taxonomic change has appeared in peer-reviewed journals (*Succulenta, A Utah Flora, Flora of North America*). In addition, we solicited the opinions of seven specialists in general plant taxonomy, and the taxonomy and ecology of the *Sclerocactus glaucus* in particular. We received peer reviews from three individuals, Dr. Bruce Glisson, Dr. Leila Shultz, and Professor Kenneth Heil. All agreed with our taxonomic analysis of the ''*Sclerocactus glaucus* complex'' and its component species.

Other Comments

We received three comments from the public on our proposal to designate *Sclerocactus brevispinus, S. glaucus*, and *S. wetlandicus* as separate species under the Act. All three comments indicated strong agreement with the proposed taxonomic changes and with listing *S. brevispinus* as endangered. All three comments also expressed concern about the ''warranted but precluded'' finding for *S. brevispinus*, because the commenters believed that listing the species as endangered should not be delayed.

Species Information

Taxonomic Classification

The original listing rule for *Sclerocactus glaucus* (44 FR 58868; October 11, 1979) included all hookless (straight central spines) *Sclerocactus* populations at the extreme periphery of the *Sclerocactus* distribution in western Colorado and northeastern Utah, and referred to them as *S. glaucus* per Benson (1966, pp. 50-57; 1982, pp. 728-729). This taxonomic classification is no longer supported by the results of

genetic and morphological research. The separation of *S. glaucus* into three species (*S. brevispinus, S. glaucus*, and *S. wetlandicus*) is reinforced by recent genetic studies (Porter *et al.* 2000, pp. 14, 16; Porter *et al.* 2007, pp. 8, 9, 11, 15, 23), common garden experiments (to determine in a controlled environment whether plants exhibit different morphological characteristics when grown under different conditions) (Hochstätter 1993b, pp. 94, 98; Welsh *et al.* 2003, p. 79), and a reevaluation of morphological characteristics (Heil and Porter 2004, pp. 200-201; Hochstätter 1989, pp. 123-125; Hochstätter 1993a, pp. 85-92; Hochstätter 1993b, pp. 93, 97, 99; Porter *et al.* 2007, pp. 13, 15, 24-25).

Revisions to the taxonomy of *Sclerocactus glaucus* began in 1989 (Hochstätter 1989, pp. 123-125; Hochstätter 1993a , pp. 85-92; Hochstätter 1993b, pp. 91-92; Heil and Porter 1994, pp. 25-27; Porter *et al.* 2000, pp. 8-23; Welsh *et al.* 2003, p. 79). By 2004, the *Flora of North America* recognized the plant *S. glaucus* (that we listed in 1979; 44 FR 58868; October 11, 1979) as three distinct species: *S. brevispinus* (Pariette cactus), *S. glaucus* (Uinta Basin hookless cactus), and *S. wetlandicus* (no common name). The *Flora of North America* (Heil and Porter 2004, pp. 197-207) recognizes 15 species in the genus *Sclerocactus*, including *S. brevispinus, S. glaucus*, and *S. wetlandicus*.

Sclerocactus brevispinus (Pariette cactus) is a morphologically unique *Sclerocactus* population, occurring only in the Pariette Draw in the central Uinta Basin in Utah. This cactus is much smaller than either *S. glaucus* or *S. wetlandicus* and retains the vegetative characteristics of juvenile *S. wetlandicus* individuals in adult flowering plants. At the time of the species listing in 1979, these smaller individuals were thought to represent an ecotypic variation of *S. glaucus*. This unique cactus from Pariette Draw has been variously named *S. wetlandicus* var. *ilseae* (Hochstätter 1993b, pp. 95-97), *S. brevispinus* (Heil and Porter 1994, p. 26), and *S. whipplei* var. *ilseae* (Welsh *et al.* 2003, p. 79). We have adopted the taxonomic nomenclature accepted by the *Flora of North America* (Heil and Porter 2004, pp. 197-207) and adopt a new common name: *S. brevispinus* (Pariette cactus).

Sclerocactus glaucus (former common name was Uinta Basin hookless cactus; now Colorado hookless cactus) is endemic to western Colorado. Its former common name in the List of Endangered and Threatened Plants referred to a geographical area in Utah. Therefore, the common name was a misnomer that more accurately applies to *S. wetlandicus* (which formerly had no common name). Colorado hookless cactus is a more applicable common name for *S. glaucus*.

Sclerocactus wetlandicus (new common name is Uinta Basin hookless cactus) was first described in 1989 (Hochstätter 1993b, pp. 91-92), and comprises the bulk of the previously termed Uinta Basin hookless cactus complex in Utah (in the Uinta Basin proper). Its population is significantly disjunct from that of *S. glaucus* in Colorado. The common name ''Uinta Basin hookless cactus'' is appropriate for this species.

Species Descriptions

Cacti species of the Uinta Basin hookless cactus complex are a small ball- or barrel-shaped cactus, usually with straight (''hookless'' as opposed to ''fishhook'' in most other species within the genus) central spines. Benson (1966, p. 53) describes *Sclerocactus glaucus* as a leafless, succulent plant in the cactus family; with solitary, ovoid to nearly globular stems that are 3.8 to 17.8 centimeters (cm) (1.5 to 7 inches (in)) tall and 2.5 to 11.4 cm (1 to 4.5 in) in diameter; with about 12 ribs with spine clusters born on tubercles (short protuberances) arising from the ribs.

These cacti have two types of spines (radial and central) and two types of central spines (abaxial and lateral). These spines are defined by size and position on the plant:

(1) The 4 to 12 radial spines radiate around the margin of the areole (a distinct non-photosynthetic surface area bearing spines), extend in a plane roughly parallel to the body of the plant, and are usually white, less than 2.5 cm (1 in) in length, and much finer and shorter than the dark central spines.

(2) The central spines number from 1 to 4 (sometimes absent), are 2.5 to 3.8 cm (1 to 1.5 in) long (generally longer than radial spines), and extend from the center of the areole. The central spines include abaxial and lateral forms:

- Abaxial spines are typically single and often longer than lateral spines.
- Lateral spines are often displayed in pairs on either side of the abaxial spine.

Flowers have numerous pinkish to lavender perianth parts (sepaloids [outer whorls, usually greenish] and petaloids [inner whorls, usually non-green]) and are 2.5 to 5.1 cm (1 to 2 in) in diameter and length. Flower stamens are numerous, with yellow anthers (the male pollen-bearing structures) and green filaments (structures that display the anthers). The fruit is barrel-shaped, 0.8 to 1.3 cm (0.3 to 0.5 in) long, and about 0.8 cm (0.3 in) in diameter. The seeds are small and black.

The revised species descriptions in Table 1 are based on those by Hochstätter (2005, pp. 14-18, 37-38) and Heil and Porter (2004, pp. 200-201) as used in the *Flora of North America*.

TABLE 1: COMPARISON OF MORPHOLOGY FOR THREE *Sclerocactus* SPECIES.

Characteristic	*Sclerocactus glaucus*	*Sclerocactus wetlandicus*	*Sclerocactus brevispinus*
Plant Description	Leafless, stem-succulent plant with short cylindrical to ovoid body, usually 3 to12 cm (1.2 to 4.8 in) tall, but up to 30 cm (12 in) tall; 4 to 9 cm (1.6 to 3.6 in) diameter; with 8 to 15 (usually 12 or 13) tubercle-bearing ribs	Leafless, stem-succulent plant with short, cylindrical to elongate-cylindrical body, usually 3 to 15 cm (1.2 to 6.0 in) tall, but up to 25 cm (10 in)); 4 to 12 cm (1.6 to 4.8 in) diameter; with 12 to 15 tubercle-bearing ribs	Leafless, stem-succulent plant with a depressed-spherical to short-cylindrical body, usually 2.5 to 8.5 cm (1.0 to 3.4 in) tall, but most individuals less than 5 cm (2.0 in)); 1.8 to 7.5 cm (0.7 to 3.0 in) in diameter (most individuals less than 5 cm (2.0 in)); with (usually) 13 tubercle-bearing ribs
Spines	Spines occur in clusters within the areoles at tip of tubercles	Spines occur in clusters within the areoles at tip of tubercles	Spines occur in clusters within the areoles at tip of tubercles
Areoles	Pubescent in juvenile individuals	Not pubescent in juvenile individuals	Not pubescent in juvenile individuals

TABLE 1: COMPARISON OF MORPHOLOGY FOR THREE *Sclerocactus* SPECIES.—Continued

Characteristic	*Sclerocactus glaucus*	*Sclerocactus wetlandicus*	*Sclerocactus brevispinus*
Radial Spines	2 to 12 (usually 6 to 8) per cluster; white or gray to light brown; up to 17 millimeters (mm) (0.67 in) long; less than 1 mm (0.04 in) in diameter	6 to 14 (usually 6 to 10) per cluster; white, or gray to light brown (rarely black), up to 6 to 20 mm (0.24 to 0.8 in) long; less than 0.6 mm (0.01 in) in diameter	5 to 13 (usually 6 or 7) per cluster; white or gray-to-light brown, up to 5 to 15 mm (0.2 to 0.6 in) long; less than 1 mm (0.04 in) in diameter
Central Spines	Longer and heavier than radial spines; numbering one to five (usually three: one abaxial and two lateral), 12 to 50 mm (0.5 to 2.0 in) long, and 0.8 to 1.8 mm (0.03 to 0.07 in) thick	Usually longer and heavier than radial spines, numbering one to five (usually three: one abaxial and two lateral), are 15 to 30 mm (0.5 to 2.0 in) long, and 0.5 to 1.8 mm (0.02 to 0.07 in) thick	Usually longer and heavier than radial spines, numbering 0 to 3 (usually 1: the abaxial, rarely with two laterals), 2 to 5 mm (0.08 to 0.2 in) long, and 0.5 to 1.8 mm (0.02 to 0.07 in) thick
Abaxial Spines	Usually solitary (sometimes lacking) and ascending toward the apex of the plant body with its tip noticeably bent at an angle usually less than 90 degrees	Usually solitary (sometimes lacking or double), and ascending toward the apex of the plant body with its tip usually noticeably bent at an angle usually less than 90 degrees (sometimes straight, or rarely hooked up to 180 degrees)	Solitary (sometimes lacking) and usually descending away from the apex of the plant body with entire spine bent or in short spines (1 to 3 mm (0.04 to 0.12 in) long), strongly hooked with the tip almost touching the surface of the areole
Lateral Spines	Usually displayed in pairs on either side of the abaxial spine; they are of approximately the same length and thickness but are relatively straight without obvious bent tip of the abaxial spine; these diverge from abaxial spine at an acute angle, usually between 20 and 50 degrees	Usually displayed in pairs on either side of the abaxial spine and are of approximately same length and thickness but are more or less straight without obvious bent tip of abaxial spine; these diverge from the abaxial spine at acute angle, usually between 20 and 50 degrees	Usually absent; when present, are on either side of abaxial spine and are of approximately same length and thickness, more or less straight without the obvious bend or hook of abaxial spine, and diverge from abaxial spine at acute angle (usually between 20 and 50 degrees)
Flowers	Fragrant and funnelform (funnel-shaped) or rarely campanulate (bell-shaped), 3 to 6 cm (1.2 to 2.4 in) long, and 3 to 5 cm (1.2 to 2.0 in) in diameter	Fragrant and funnelform, 2 to 5 cm (0.8 to 2 in) long and 2 to 5 cm (0.8 to 2 in) in diameter	Campanulate 1.0 to 1.5 cm (0.4 to 0.6 in) (occasionally up to 3 cm (1.2 in)) high, and 1.2 to 3 cm (0.4 to 1.2 in) in diameter
Tepals (the colored corolla parts of the cactus flower)	Consist of two whorls. Outer: 20 to 30 tepals; have broad, greenish-lavender midstripe with pink margins, and are oblanceolate; tepals transition from small, leaf-like scales low on the floral tube to petal-like structures near rim of floral tube; are 4 to 30 mm (0.16 to 1.2 in) long and 4 to 6 mm (0.16 to 0.24 in) wide. Inner: 12 to 20 tepals, pale pink to dark pink, oblanceolate to lanceolate, and 25 to 35 mm (1 to 1.4 in) long and 4 to 6 mm (0.16 to 0.24 in) wide; borne at rim of floral tube	Consist of two whorls. Outer: 20 to 30 tepals; have broad, brownish-lavender midstripe with pink to violet margins; oblanceolate, transition from small leaf-like scales low on the floral tube to petal-like structures near the rim of the floral tube, and are 4 to 30 mm (0.16 to 1.2 in) long and 4 to 6 mm (0.16 to 0.24 in) wide. Inner: 12 to 20 tepals; pink to violet, oblanceolate to lanceolate, are 17 to 30 mm (0.67 to 1.2 in) long, and 3 to 6 mm (0.12 to 0.24 in) wide; borne at rim of floral tube	Consist of two whorls. Outer: 20 to 30 tepals; greenish to purple with a brownish midstripe and pink or purple margins; oblanceolate and transition from small, leaf-like scales low on the floral tube to petal-like structures near the rim of the floral tube; 4 to 16 mm (0.16 to 0.63 in) long and 2 to 6 mm (0.08 to 0.24 in) wide. Inner: 12 to 20 tepals; pink to purple, oblanceolate to lanceolate, 10 to 22 mm (0.40 to 0.87 in) long and 3 to 7 mm (0.12 to 0.28 in) wide; borne at rim of floral tube
Stamens	Numerous, have yellow anthers a:ttached by filaments (from green to white) to the interior surface of the floral tube	Numerous, with yellow anthers attached by green-to-white filaments to the interior surface of the floral tube	Numerous, with yellow anthers attached by green-to-white filaments to the interior surface of the floral tube
Floral Tube	Arises from upper margin of the seed-producing ovary	Arises from upper margin of the seed-producing ovary	Arises from the upper margin of the seed-producing ovary
Ovary	Bears one style (from pink to yellow) with stigma of about 12 lobes. After pollination, ovary ripens into dry fruit in approximately 4 to 6 weeks, with 15 to 30 seeds turning from green to brown	Bears one style (from pink to yellow) with stigma of about 12 lobes. After pollination, ovary ripens into dry fruit in about 4 to 6 weeks, with 15 to 30 seeds turning from green to brown	Bears one style (from pink to yellow) with stigma of about 12 lobes. After pollination, ovary ripens into dry fruit in about 4 to 6 weeks, with 15 to 30 seeds turning from green to brown
Fruit	Ovoid, barrel-shaped, 9 to 30 mm (0.35 to 1.2 in) long (usually less than 22 mm (0.87 in) long), and 8 to 12 mm (0.31 to 0.47 in) wide	Ovoid, barrel-shaped, 9 to 30 mm (0.35 to 1.2 in) long (usually less than 25 mm (1 in) long), and 7 to 12 mm (0.28 to 0.47 in) wide	Ovoid, barrel-shaped, 9 to 30 mm (0.35 to 1.2 in) long (usually less than 25 mm (1 in) long), and 7 to 12 mm (0.28 to 0.47 in) wide

TABLE 1: COMPARISON OF MORPHOLOGY FOR THREE *Sclerocactus* SPECIES.—Continued

Characteristic	*Sclerocactus glaucus*	*Sclerocactus wetlandicus*	*Sclerocactus brevispinus*
Seeds	Black, asymmetrically elongated, with hilum (seed scar at point of attachment to ovary wall) near side of smaller seed lobe; 1.5 mm (0.06 in) wide and 2.5 mm (0.1 in) long; testa (seed coat) covered by rounded papillae	Black, asymmetrically elongated, with hilum near side of smaller seed lobe; 1.5 mm (0.06 in) wide and 2.5 mm (0.1 in) long; testa composed of hexagonal papillae with flattened tops	Black, asymmetrically elongated, with hilum near the side of the smaller seed lobe; 1.5 mm (0.06 in) wide and 2.5 mm (0.1 in) long; testa composed of hexagonal papillae with flattened tops
Main Differences	Seed characteristics with areole pubescence of juvenile individuals are the most consistent morphological characteristics separating *S. glaucus* from *S. wetlandicus* and *S. brevispinus*	Testa characteristics are the most consistent morphological characteristics separating *S. wetlandicus* and *S. brevispinus* from *S. glaucus*	Diminutive nature of central spines and overall plant size are the most consistent morphological characteristics separating *S. brevispinus* from *S. wetlandicus* and *S. glaucus*. Testa characteristics are the most consistent morphological characteristics separating *S. wetlandicus* and *S. brevispinus* from *S. glaucus*

Required Determinations

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment or an Environmental Impact Statement as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited is available upon request from the Supervisor at the U.S. Fish and Wildlife Service, Utah Field Office (see **ADDRESSES**).

Authors

The authors of this document are the staff members of the Utah Field Office (see **ADDRESSES**).

List of Subjects in 50 CFR Part 17

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

■ Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

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

■ 2. Amend § 17.12(h) by revising the entry for *Sclerocactus glaucus*, and by adding entries for *Sclerocactus brevispinus* and *Sclerocactus wetlandicus*, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants, to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*		*	
Sclerocactus brevispinus	Pariette cactus	U.S.A. (UT)	Cactaceae	T	59	NA	NA
Sclerocactus glaucus	Colorado hookless cactus	U.S.A. (CO)	Cactaceae	T	59	NA	NA
*	*	*	*	*		*	
Sclerocactus wetlandicus	Uinta Basin hookless cactus	U.S.A. (UT)	Cactaceae	T	59	NA	NA
*	*	*	*	*		*	

Dated: August 24, 2009.

Will Shafroth,

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

[FR Doc. E9–22125 Filed 9–14–09; 8:45 am]

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

2008–2009 Refuge-Specific Hunting and Sport Fishing Regulations

CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2008, on page 347, in § 32.42, following Big Stone National Wildlife Refuge, reinstate Big Stone Wetland Management District to read as follows:

§ 32.42 Minnesota.

* * * * *

Big Stone Wetland Management District

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.
2. We prohibit the construction or use of permanent blinds, stands, or scaffolds.
3. You must remove all personal property, which includes boats, decoys, and blinds brought onto the WPA each day (see §§ 27.93 and 27.94 of this chapter).
4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).
5. We prohibit camping.

B. Upland Game Hunting. We allow upland game hunting throughout the district in accordance with State regulations subject to the following conditions: Conditions A4 and A5 apply.

C. Big Game Hunting. We allow big game hunting throughout the district in accordance with State regulations subject to the following conditions:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.
2. You must remove all stands and personal property from the WPAs each day (see §§ 27.93 and 27.94 of this chapter).
3. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.
4. Condition A5 applies.

D. Sport Fishing. We allow fishing throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.
2. You must remove all ice fishing shelters and all other personal property from the WPAs each day (see § 27.93 of this chapter).
3. Condition A5 applies.

* * * * *

[FR Doc. E9–22260 Filed 9–14–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0809251266 81485 02]

RIN 0648–XQ56

Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2009 Winter II Quota

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS adjusts the 2009 Winter II commercial scup quota. This action complies with Framework Adjustment 3 (Framework 3) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period.

DATES: Effective September 15, 2009, through December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Sarah Bland, Fishery Management Specialist, (978) 281–9257.

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process, for years in which the full Winter I commercial scup quota is not harvested, to allow unused quota from the Winter I period (January 1 through April 30) to be added to the quota for the Winter II period (November 1 through December 31), and to allow adjustment of the commercial possession limits for the Winter II period commensurate with the amount of quota rolled over from the Winter I period.

For 2009, the initial Winter II quota is 1,334,791 lb (605 mt), and the best available landings information indicates that 14,960 lb (7 mt) remain of the Winter I quota of 3,777,443 lb (1,713 mt). Consistent with the intent of Framework 3, the full amount of unused 2009 Winter I quota is transferred to Winter II, resulting in a revised 2009 Winter II quota of 1,349,751 lb (612 mt). Because the amount transferred is less than 499,999 lb (227 mt), the possession limit per trip will remain 2,000 lb (907 kg) during the Winter II quota period, consistent with the final rule Winter I to Winter II possession limit increase table (table 4) published in the 2009 final scup specifications (74 FR 35, January 2, 2009).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 10, 2009.

Alan D. Risenhoover,

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

[FR Doc. E9–22176 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.070817467–8554–02]

RIN 0648–XR58

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Limited Access General Category (LAGC) scallop fishery will close to individual fishing quota (IFQ) scallop vessels (including vessels issued an IFQ letter of authorization (LOA) to fish under appeal), effective 0001 hours, September 15, 2009, until it re-opens on December 1, 2009, under current regulations. This action is based on the determination that the third quarter scallop total allowable catch (TAC) for LAGC IFQ scallop vessels is projected to be landed. This will prevent IFQ scallop vessels from exceeding the 2009 third quarter TAC, in accordance with the regulations implementing Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (FMP), enacted by Framework 19 to the FMP, and the

Magnuson-Stevens Fishery Conservation and Management Act.

DATES: The closure of the LAGC fishery to all IFQ scallop vessels is effective 0001 hr EST, September 15, 2009, through November 30, 2009.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fishery Management Specialist, (978) 281–9221, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing fishing activity in the LAGC fishery are found at §§ 648.59 and 648.60. Regulations specifically governing IFQ scallop vessel operations in the LAGC fishery are specified at § 648.53(a)(8)(iii). These regulations authorize vessels issued a valid IFQ scallop permit to fish in the LAGC fishery under specific conditions, including a TAC. The TACs were established by the final rule that implemented Framework 19 to the FMP (73 FR 30790, May 29, 2008) and included a TAC of 688,504 lb (312,300 kg) that may be landed by IFQ vessels during the third quarter of the 2009 fishing year. As required by regulation, the third quarter LAGC TAC was reduced from 688,504 lb (312,300 kg) to 309,320 lb (140,305 kg) due to an overage of 379,184 lb (171,995 kg) in the first quarter. The regulations at § 648.53(a)(8)(iii) require the LAGC fishery to be closed to IFQ vessels once the NMFS Northeast Regional Administrator has determined that the TAC is projected to be landed.

Based on the number of IFQ vessel trips, dealer reporting and vessel pre-landing reports through Vessel Monitoring Systems (VMS), and other information, a projection concluded that, given current activity levels by IFQ scallop vessels in the area, 309,320 lb (140.305 kg) will have been landed on September 14, 2009. Therefore, effective 0001 hours on September 15, 2009, no IFQ scallop vessel fishing under LAGC regulations may declare its intent to enter the fishery and may not fish for, possess, or retain any scallops. IFQ scallop vessels will not be allowed to fish for, possess, or retain scallops, or declare, or initiate, a scallop trip following this closure for the remainder of the 2009 third quarter, ending on November 30, 2009. Therefore, in accordance with the regulations at § 648.53(a)(8)(iii), the LAGC scallop fishery is closed to all IFQ vessels as of 0001 hr local time, September 15, 2009. The LAGC scallop fishery will re-open to IFQ scallop vessels on December 1, 2009.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

This action closes the LAGC scallop fishery to all IFQ scallop vessels until December 1, 2009. The regulations at § 648.53(a)(8)(iii) require such action to ensure that IFQ scallop vessels do not exceed the 2009 third quarter TAC. The LAGC scallop fishery opened for the third quarter of the 2009 fishing year at 0001 hours on September 1, 2009. Data indicating the IFQ scallop fleet has landed all of the 2009 third quarter TAC have only recently become available. 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 to allow a public comment period. If implementation of this closure is delayed to solicit prior public comment, the quota for this quarter will be exceeded, thereby undermining the conservation objectives of the FMP. Also, if the magnitude of any overage is significant, it would warrant a decrease in the fourth quarter quota. This would have a negative economic impact on vessels that fish seasonally in that period. The AA further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30–day delay in effectiveness for the reasons stated above.

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

Dated: September 10, 2009.

James P. Burgess,

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

[FR Doc. E9–22169 Filed 9–10–09; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 080521698–9067–02]

RIN 0648–XR42

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Gear Requirements for the U.S./Canada Management Area

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

ACTION: Temporary rule; gear restriction.

SUMMARY: This action modifies the gear requirements for the U.S./Canada Management Area to prohibit all limited access Northeast (NE) multispecies vessels fishing on a NE multispecies day-at-sea (DAS) with trawl gear in the Eastern U.S./Canada Area from using flounder trawl nets. 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 exceeding the total allowable catch (TAC) for Eastern Georges Bank (GB) cod and 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 September 17, 2009, through April 30, 2010.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, (978) 281–6341, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the gear requirements for the U.S./Canada Management Area under the 2009 interim final rule (74 FR 17030, April 13, 2009) are found at § 648.85(a)(3)(ix). The regulations require that trawl vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS in the Eastern U.S./Canada Area, as defined at § 648.85(a)(1)(ii), fish with a Ruhle trawl, a haddock separator trawl, or a flounder trawl net. The Eastern U.S./Canada Area GB cod TAC for FY 2009 (May 1, 2009 - April 30, 2010) was specified at 527 mt, and the TAC for the entire U.S./Canada Management Area for GB yellowtail flounder was specified at 1,617 mt, by the 2009 interim final rule. Once the available TAC for Eastern GB cod, Eastern GB haddock, or GB yellowtail flounder is projected to be caught, the Administrator, Northeast Region, NMFS (Regional Administrator) is required to close the Eastern U.S./Canada Area to all NE multispecies DAS vessels for the remainder of the fishing year, pursuant to § 648.85(a)(3)(iv)(E).

The regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to modify certain regulations governing the harvesting of fish from the U.S./Canada Management Area, including gear requirements, to prevent over-harvesting or under-harvesting the TAC allocations specified for Eastern GB cod, Eastern GB haddock, or GB yellowtail flounder in the U.S./Canada Management Area. Based upon Vessel Monitoring System

(VMS) reports and other available information, the TACs for Eastern GB cod and GB yellowtail flounder would be fully harvested before the end of FY 2009, resulting in the premature closure of the Eastern U.S./Canada Area and the potential under-harvest of the available TAC for Eastern GB haddock during FY 2009. Requiring trawl vessels to use either a haddock separator trawl or a Ruhle trawl is expected to reduce the catch rates of both cod and yellowtail flounder, reduce discards, and result in the achievement of the TACs, without exceeding them. Based on this information, the Regional Administrator is prohibiting the use of flounder trawl nets by any limited access NE multispecies vessel fishing in the Eastern U.S./Canada Area under a NE multispecies DAS, to reduce catches and discards of Eastern GB cod and GB yellowtail flounder, effective September 17, 2009, through April 30, 2010.

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)(B) and (d)(3), there is good cause to waive prior notice and opportunity for public comment, as well as the delayed effectiveness for this action, because notice, 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 modify gear requirements to prevent over-harvesting or underharvesting the TAC allocation. Because of the time necessary to provide for prior notice and opportunity for public comment, NMFS would be prevented from taking immediate action to slow the catch rate of GB cod in the Eastern U.S./Canada Area. Such a delay would allow the observed high catch rate of GB cod to continue and would result in excessive discards of GB cod, the premature closure of the Eastern U.S./Canada Area for the remainder of the fishing year, and the potential under-harvest of the available TAC specified for GB haddock. Excessive discards of GB cod caused by a delayed implementation of this action could potentially increase mortality on this overfished stock and undermine the conservation objectives of Amendment 13 to the FMP, and the Magnuson-Stevens Act. If implementation of this action is delayed, the NE multispecies fishery could be prevented from fully harvesting the TAC for GB haddock during FY 2009. Under-harvesting this TAC would result in increased economic impacts to the industry, and social impacts beyond those analyzed in Amendment 13, as the full potential revenue from the available Eastern GB haddock would not be realized.

The rate of harvest of the Eastern GB cod and GB yellowtail flounder TACs in the U.S./Canada Management Area are updated weekly on the internet at *http://www.nero.noaa.gov*. Accordingly, the public is able to obtain information that would provide at least some advanced notice of a potential action to provide additional opportunities to the NE multispecies industry to fully harvest the TAC for any species during FY 2009. Further, the Regional Administrator's authority to modify gear requirements 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: September 10, 2009.

Alan D. Risenhoover,

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

[FR Doc. E9–22170 Filed 9–10–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 080304370–91192–02]

RIN 0648–AW52

Fisheries in the Western Pacific; Compensation to Federal Commercial Bottomfish and Lobster Fishermen Due to Fishery Closures in the Papahanaumokuakea Marine National Monument, Northwestern Hawaiian Islands

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

ACTION: Final rule.

SUMMARY: This final rule describes how NMFS will compensate eligible and interested Northwestern Hawaiian Islands (NWHI) commercial lobster permit holders who were, and commercial bottomfish permit holders who will be, displaced by fishery closures with the establishment of the Papahanaumokuakea Marine National Monument (Monument). Congress mandated that the compensation be based on the economic values of fishing permits. NMFS estimated the net present value of permits using a proxy based on a multiple of annual gross revenues. Permit holders who voluntarily accept compensation must immediately surrender their permits and leave the fisheries.

DATES: This final rule is effective October 15, 2009.

ADDRESSES: Eligible participants in the permit compensation program may contact William L. Robinson, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700.

FOR FURTHER INFORMATION CONTACT: Toby Wood, Sustainable Fisheries Division, NMFS PIR, 808–944–2234.

SUPPLEMENTARY INFORMATION: This final rule is also available at *www.gpoaccess.gov/fr*.

Public Law 110–161, the Consolidated Appropriations Act of 2008, authorized the Secretary of Commerce (Secretary), through NMFS, to compensate commercial lobster permit holders who were, and commercial bottomfish permit holders who will be, impacted with establishment of the Monument on June 15, 2006 (Proclamation 8031, 71 FR 3644, June 26, 2006, as amended by Proclamation 8112, 72 FR 10031, March 6, 2007). Regulations governing the Monument require that any commercial lobster fishing permit be subject to a zero annual harvest limit, permanently closing the NWHI lobster fishery. The NWHI commercial bottomfish fishery is allowed to operate until June 15, 2011, when it will be closed permanently (see 71 FR 51134, August 29, 2006, and 50 CFR 404.10).

Congress authorized funding for the compensation in the amount of $6,697,500, and directed the Secretary to initiate rulemaking for a voluntary capacity-reduction program. This final rule establishes a process to implement the Act.

A future voluntary vessel and gear buyout may be developed once the permit compensation is complete, but only if funds authorized by the Act are available. NMFS would publish a separate proposed rule to describe and seek public comment on any future vessel and gear buyout program, as appropriate.

Eligible Participants

The Act defines ''eligible participants'' as individuals holding commercial Federal fishing permits for

lobster or bottomfish within the Monument at the time the Monument was established. NMFS is not authorized to compensate anyone not meeting the definition of ''eligible participant.'' NMFS determined eligible participants to be holders of eight valid commercial Federal permits for bottomfish, and holders of 15 valid commercial Federal permits for lobster. As a condition of voluntarily receiving compensation, fishermen must immediately surrender their NWHI fishing permit to NMFS and agree to relinquish any claim associated with each permit.

Compensation Methodology

In the absence of a documented market for the permits, NMFS determined the economic value of NWHI lobster and bottomfish Federal commercial fishing permits by using a proxy for the net present value (NPV) of the permits that uses imputed (estimated) values. The proxy for NPV is a multiple of annual gross revenues, based on a variety of separate investigations of these relationships. NMFS determined the permit values using reported revenues for the three consecutive years in which each fishery operated immediately prior to the designation of the Monument.

Bottomfish. NMFS determined the economic value of each of the eight Federal bottomfish permits individually using the base value time period of 2003–05. The NPV of each individual permit reflects the average ex-vessel revenue, calculated as the ex-vessel gross revenue proxy, times a multiplier of approximately 2.5 that considered the discount rate. The economic value of each permit, and the compensation offer, will be different for each of the eight permit holders, based on the 2003–05 official fishing records associated with each permit. All imputed values will be updated to current dollar figures based on Consumer Price Indices.

Lobster. NMFS determined the economic value of each of the 15 Federal lobster permits, collectively, using the base value time period of 1997–99. The NPV of each permit used a similar ex-vessel gross revenue proxy to reflect the average ex-vessel net revenue for the fleet as a whole during 1997–99, times a multiplier of approximately 2.5 that considered the discount rate. The economic value of each permit, and the compensation offer, will be identical for all 15 permit holders. Imputed values will be updated to current dollar figures based on Consumer Price Indices.

Implementation

After the effective date of this final rule, eligible permit holders will be notified in writing of their individual permit compensation offer, as determined by the compensation methodology described above. Within 30 days of receipt of notification (verified by NMFS), each permit holder must review the permit compensation offer and notify NMFS in writing of either their voluntary acceptance or non-acceptance of the compensation offer. Failure to inform NMFS of a decision (i.e., acceptance or non-acceptance decision) by the prescribed deadline date is deemed a non-acceptance by the permit holder. This determination by NMFS of non-acceptance for compensation is final and is not subject to agency appeal. If the combined total value of all permits is greater than the authorized amount, minus NOAA's administrative costs, then the amount of monetary compensation disbursed to all participants will be prorated.

At the conclusion of the 30–day response period, NMFS or its authorized contractor will review responses from permit holders, identify those who have accepted the offer of permit compensation, and disburse funds to the permit holders who have accepted. A permit holder's receipt of compensation funds will immediately invalidate the holder's Federal permit in the NWHI bottomfish and/or lobster fishery, as appropriate, and such permit will be immediately surrendered to NMFS. NMFS will notify the permit holder, at the time that funds are disbursed, that his or her permit is no longer valid, and the vessel is no longer registered to participate in the fishery for which compensation has been received.

Vessel owners who do not accept the offer of permit compensation are authorized to continue fishing in accordance with the terms and conditions of their respective permits, and to the extent otherwise permitted by law. Permit holders should note that commercial fishing for lobster in waters of the Monument is prohibited, and that fishing for commercial bottomfish and associated pelagic species will be prohibited in waters of the Monument after June 15, 2011.

Transferability of Compensation

The NWHI lobster fishery was closed permanently as a result of the designation of the Monument, so permit compensation will be offered to the holder of the permit that was valid on the date of the Monument's designation, i.e., June 15, 2006.

The NWHI bottomfish fishery remains open until June 15, 2011. Bottomfish permits are not transferrable, so the bottomfish permit compensation is available only to the holder of the permit at the time compensation funds are disbursed. Any claim to permit compensation is both non-transferable and non-assignable. Accordingly, only the NWHI bottomfish permit holder of record is eligible to receive permit compensation under this program.

Additional background information on this final rule may be found in the preamble to the proposed rule, and is not repeated here.

Comments and Responses

On April 7, 2009, NMFS published a proposed rule and request for public comment (74 FR 15685). The public comment period ended on May 4, 2009. In addition to one comment that supported the methodology for determining permit values, NMFS received additional public comments, and responds as follows:

Comment 1: For the lobster permit valuation, NMFS should have used more recent price data, such as that for 2006, to calculate NPV, rather than using data based on an average of gross receipts accumulated in the 1997–99 NWHI lobster fishery.

Response: The NPV model requires identification of annual, or average annual, gross receipts upon which to set a baseline. Prices depend on a set of unique parameters including same-period quantities, income, prices of substitute and compliment goods. Thus, there is no economic rationale to assign a 2006 price to a quantity of production from 1997–99.

Comment 2: The model should have used an average of 14 years of landings data (1983–97), as advocated in a 2007 report by the Association of NWHI Lobster Permit Holders.

Response: The prices of lobster noted in the report were estimated using an interpolation of the Urner Barry Market Report for frozen lobster tails, most likely delivered prices, i.e., including shipping costs, from Australia, Brazil, and the Caribbean. Therefore, to apply those 2006 processed product prices, i.e., $23.50 and $13.00 dollars, respectively, for spiny and slipper lobster to quantities harvested would cause a significantly large overestimation of gross receipts. NMFS data indicate that the real price (in 1996 dollars) of slipper lobster had been relatively stable at $3.20 and $4.00 per pound in every year between 1988 and 2000. The real price (in 1996 dollars) for spiny lobster had been between $5.00

and $7.00 per pound between 1989 and 2000. The spiny lobster price had been more variable and showed no real trend. In addition, the quantity used in the report (average landings from 1983–97) potentially reflected a fishing-down stage of the fishery, which in conjunction with an oceanographic regime change in the late 1980s, led to the yields that were utilized in the analysis. Using this quantity would lead to an overestimation of the imputed value of the permits.

Comment 3: NMFS should use a 15–year period instead of a 30–year period to calculate NPV.

Response: The 30–year NPV calculation presupposes that vessels (capital) used in the NWHI fisheries will be utilized over that period. The NPV using a 30–year period would yield a higher permit value than over 15 years. Thus, NMFS used the 30–year analysis period.

Comment 4: $6.3 million is not enough to buy out the combined lobster and bottomfish fisheries.

Response: The Act directs the Secretary, through NMFS, to provide compensation ''not to exceed the economic value of the permit.'' The total amount was appropriated by Congress, and NMFS has no discretion to increase the amount.

Comment 5: The ex-vessel revenue data regarding lobster prices cited in the Regulatory Impact Review (RIR) for the proposed rulemaking was not accurate.

Response: Prices for lobsters were obtained from the NMFS Administrative Report ''Study of Northwestern Hawaiian Islands Lobster Fishery Discards (AR-SWR–00–01).'' No information was offered to address any possible inaccuracies, so the prices cited in the report represent the agency's best available official information on the fishery.

Comment 6: The same formula and variables should not be used to determine the economic value of lobster and bottomfish permits.

Response: The methodology to determine the imputed value of permits is a standard capital budgeting approach (e.g., F.M. Wilkes, Capital Budgeting Techniques, 1977). In this approach, the NPV methodology is based on underlying principles of economic theory in valuing assets over time. To properly estimate NPV, the same formula and variables are required, including baseline, time period, and discount rate. The difference is in the actual values used to estimate NPV for the two fisheries, which depend on their context. While there are clear differences in the two fisheries from an operational point of view, the permits in both cases represent assets with an investment value.

Comment 7: The assumption is incorrect in the RIR that the profit margins are similar for both fisheries.

Response: The RIR correctly notes that profit margins are assumed to be similar within each fishery, not between them, and would not affect relative permit compensations.

Comment 8: The proposed rule improperly assesses different economic values for individual bottomfish permits based on each fisherman's catch history from 2003–05. Because the bottomfish fishery does not use individual quotas, a permit holder's catch history is not relevant to determine the market value of a permit. The only rationale for distinguishing between bottomfish sectors would be to recognize that vessels fish on either of two zones, the Mau and Ho'omalu Zones.

Response: An approach similar to the lobster fishery analysis could have been taken for bottomfish, including separation into the two management zones. Given the ongoing activity in the bottomfish fishery, however, NMFS determined that it was not appropriate to treat all permit holders the same. Bottomfish permit holders' future prospects, absent the Monument, were determined by their individual investments in vessel and gear, and in their own skills and experience, particularly since bottomfish fishing permits were not transferable. An established catch history is a reliable predictor of future performance, and there is no basis to believe that individual fishermen would alter their behavior over time, aside from overall changes in the fishery.

Comment 9: Because of bad weather, vessel repairs, etc., NMFS should use time periods other than 2003–05, which would result in a higher value for all bottomfish permits. Alternatives include the three years of highest catch from 2003–08, or an average of the two best years out of the years 2003–05.

Response: Using three consecutive years to determine imputed permit value, and keeping the approach similar between the lobster and bottomfish compensation schemes, strives to maintain equity in computing permit values between the two fisheries. Basing permit values on alternative time periods for the bottomfish permit holders would not be equitable to the lobster permit holders, who faced the same constraints prior to closure of their fishery in 2000. Hence, for reason of fairness, NMFS will use the three-year period 2003–05 to calculate the average individual ex-vessel gross revenue to determine permit values for bottomfish permits.

Comment 10: The proposed permit values do not accurately reflect the value that fishermen put on their way of life.

Response: Congress intended the compensation be for no more than the economic value of the permit. Accordingly, NMFS did not consider using other forms of valuation, such as intrinsic value of fishing lifestyles, to implement the compensation program.

Comment 11: NMFS has recently estimated bottomfish stock biomass in the NWHI to be at 150% of maximum sustainable yield, thus promising high abundance for the future.

Response: NMFS interprets this comment to mean that the potential value of bottomfish permits would be higher than using the catches from 2003–05. Stock assessments are good gauges of present status of a stock, but have been proven to be accurate predictors of stock levels only in the very near term and certainly not over a 30–year period. The NPV model used here is not a predictive model, nor does it attempt to optimize future returns; it is used simply to calculate a lump sum payment based on the present value of future returns given a specific baseline in the form of average gross receipts, discount rate, and time line. Stochastic net benefit models are frequently utilized for public policy decisions; however, these are usually applied to specific physical projects of a much shorter duration where probabilities of future economic events are measurable with an acceptable level of confidence.

Comment 12: To address equity and fairness, the compensation amount should be divided equally among eligible permit holders in the bottomfish fishery.

Response: NMFS determined that the most equitable method to establish a baseline for the NPV model was to use actual gross receipts earned by individual vessels. This process is inherently most fair because each producer is compensated based on individual fishing behavior and documented earnings.

Comment 13: NMFS should clarify the principles of equity and efficiency as they relate to the bottomfish permit valuations.

Response: As described in the RIR, addressing efficiency is the norm for capacity-reducing buyouts where the buyout is conducted as an auction in which participants have a choice of whether to accept a government offer to buy or retire their permits and/or vessels for a particular price. This is termed ''willingness to accept''

compensation for giving up their fishing rights. The participant may also reject the government's offer and choose to continue fishing. Efficiency solutions, on the other hand, require a market (in this case, for permits) or a survey of the values of willingness-to-accept. The NWHI situation has neither option; exit from the bottomfish fishery is involuntary. Accordingly, the permit compensation program addresses equity, rather than efficiency. Imputing the values is the most equitable method of compensation for early fishery closures (although the bottomfish fishery will officially remain open until June 2011). Thus, NMFS relied on historical data that reflect gross receipts and historical cost-earnings relationships for bottomfish as being most equitable to the different levels of investment and history of the participants in the fishery.

Individual valuations could not be developed for the lobster fishery because management constraints, such as area-specific quotas and industry cooperatives, changed individual fishing behavior dramatically in the final years of the fishery. For example, some vessels fished only intermittently, and all were constrained by annual harvest guidelines. Thus, gross receipts did not present a reliable baseline for individual vessels in the lobster fishery.

Comment 14: NMFS should clarify where it will spend the $336,029 it removed from the amount available to compensate fishermen.

Response: NOAA expended $197,500 for internal indirect costs and $138,529 to contract the Pacific States Marine Fisheries Commission for coordinating and administering the disbursement of compensation funds to eligible participants.

Comment 15: NMFS should not require eligible bottomfish participants who accept permit compensation to exit the NWHI fishery prior to June 15, 2011.

Response: Allowing fishing to continue is not consistent with the intent of the Act, which provided compensation for a voluntary capacity-reduction program. In addition, if a vessel owner decides to accept compensation, that owner would, in effect, receive compensation for that remaining portion of the 2009 fishery, the entire 2010 fishery, and the 2011 fishery until June 15, because compensation is part of the stream of benefits comprising the NPV of a vessel's landings from 2007 to 2036

Comment 16: The government should not compensate fishermen using public funds; just stop the fishing pressure on public resources.

Response: NMFS is mandated by Congress to compensate eligible bottomfish and lobster fishermen who were, or will be, forced out of their respective fishery with the establishment of the Monument.

Changes From the Proposed Rule

No changes were made from the proposed rule.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Consolidated Appropriations Act of 2008 and other applicable laws.

This final rule has been determined to be significant for purposes of Executive Order 12866.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the IRFA, and a summary of the significant issues raised by the public comments in response to the IRFA. The analysis follows:

NMFS prepared this FRFA for the rule to provide compensation to Federal NWHI commercial bottomfish and lobster fishermen due to fishery closures in the Papahanaumokuakea Marine National Monument. This FRFA incorporates the initial regulatory flexibility analysis (IRFA) prepared for the proposed rule (74 FR 15685; April 7, 2009). The analysis provided in the IRFA is not repeated here in its entirety.

The need for, reasons why action by the agency is being considered, and the objectives of the action are explained in the preambles to the proposed and final rules and are not repeated here. This rule does not duplicate, overlap, or conflict with any other Federal rules. There are no disproportionate economic impacts from this action based on vessel size or home port. There are no recordkeeping, reporting, or other compliance requirements associated with this rule. The action is taken under authority of the Consolidated Appropriations Act, 2008 (Act).

Description of Small Entities to Which the Rule Would Apply

This action will impact the vessel owners who held 15 NWHI lobster permits and eight NWHI bottomfish permits at the time the Monument was designated. These permit holders were determined by NMFS to be eligible for compensation under the Act. The Small Business Administration's accepted definition of a small fish harvester is a vessel that produces no more than $4.0 million in gross revenue annually. Using this definition, all permit holders who are eligible for compensation are defined as small entities.

Economic Impact to Small Entities

There will be no adverse economic impact to any of the eligible permit holders resulting from this rule. For bottomfish permit holders, the amount of monetary compensation available will be the NPV of each individual's average net revenue for the years 2003–05 using a discount rate equal to the real interest rate on 30–year treasury notes and bonds, discounted over a 30–year period. The lobster permit holders will receive compensation in the form of equal payments derived from NPV of the fleet-wide average net revenue for 1997–99. The NPV for the lobster fishery would use the same discount rate and time period as the value imputed for bottomfish permit holders. The real interest rate for 30–year treasury notes and bonds as prescribed by Office of Management and Budget, Circular A–4, Appendix A, is 2.7 percent.

In the event that costs are unavailable or unreliable for a net revenue calculation, NMFS will use a proxy for net revenue based on total or gross revenue. Since profit margins within each fishery are assumed to be similar, this would not affect relative amounts of compensation. In addition, with a relatively low real discount rate (2.7 percent) and long time frame (30 years), the differences between net and total revenues will be mitigated.

Comments and Responses

NMFS received one comment on the IRFA and responds, as follows.

Comment 1: The IRFA appears to be incomplete in that it does not fully contain the required elements and analyses. Among other things it does not describe a range of alternatives but instead only describes the impacts of the proposed rule. In addition, the IRFA fails to consider measures to minimize adverse impacts on fishery participants such as waiving the requirement that participants in the compensation program exit the NWHI fishery prior to June 15, 2011. This is especially appropriate as there is no requirement for this in the Act and there are no overfishing or other environmental issues that would necessitate these early departures. If the immediate exit provision is to be retained, the compensation packages should be directly increased to fully include the additional two years of foregone revenues.

Response: The IRFA is consistent with § 603 of the Regulatory Flexibility Act and Agency guidelines for regulatory analysis. The required elements of a IRFA include, verbatim, a description of the reasons why action by the agency is being considered, a succinct statement of the objectives of, and legal basis for, the proposed rule, a description and, where feasible, an estimate of the number of small entities to which the proposed rule will apply, a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirements of the report or record, an identification, to the extent practicable, of all relevant Federal rules, which may duplicate, overlap, or conflict with the proposed rule. Each IRFA shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

For purposes of this rulemaking, there are no significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize

any significant economic impact of the proposed rule on small entities. The no-action alternative would not accomplish the stated objectives of the Act and, therefore, is not a significant alternative.

Allowing fishing to continue is not consistent with the intent of the Act, which provided compensation for a voluntary capacity-reduction program. Furthermore, there will be no adverse economic impacts to be minimized here because all recipients of compensation will benefit. If a vessel owner decides to accept compensation as described in the proposed rule, that owner would, in effect, receive compensation for that portion of the 2009 fishery, the entire 2010 fishery, and the 2011 fishery until June 15, 2011, as part of the stream of benefits comprising the NPV of a vessel's landings from 2007 to 2036. Therefore, allowing a vessel to continue to fish until June 2011 would be an additional *de facto* compensation not discussed or described in the Act.

Additional comments on the validity of the NPV model and other economic concerns are addressed in the preamble to this rule and are not repeated here.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 requires, for each rule or group of related rules for which an agency is required to prepare a FRFA, that the agency publish one or more guides to assist small entities in complying with the rule, and designate such publications as ''small entity compliance guides.'' The agency must explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared and will be sent to all eligible participants. In addition, copies of this final rule and small entity compliance guide are available from NMFS(see **ADDRESSES**) and are also available at *www.fpir.noaa.gov/SFD/SFD_regs_2.html*.

Authority: Pub. L. 110–161

Dated: September 9, 2009.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E9–22181 Filed 9–14–09; 8:45 am]

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Proposed Rules

Federal Register
Vol. 74, No. 177
Tuesday, September 15, 2009

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Doc. No. AMS–FV–09–0035; FV09–987–1 PR]

Domestic Dates Produced or Packed in Riverside County, CA; Changes to Nomination Procedures and a Reporting Date

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on revisions to the nomination procedures and a change to a reporting date under the California date marketing order (order). The order regulates the handling of domestic dates produced or packed in Riverside County, California, and is administered locally by the California Date Administrative Committee (CDAC or committee). This rule would change the method of polling for nominees to the committee and the date on which CDAC Form 6 is due. These changes are expected to assist in the administration of the order by updating and streamlining committee program operations.

DATES: Comments must be received by October 15, 2009.

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

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

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

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement and Order No. 987, both as amended (7 CFR part 987), regulating the handling of domestic dates produced or packed in Riverside County, California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

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

This proposal invites comments on revisions to the nomination procedures and a reporting date under the California date marketing order. This rule would permit the committee to conduct nominations for member and alternate member positions on the committee through the mail or equivalent electronic means (including, but not limited to fax, or other technology, as available) rather than limit balloting to in-person polling on a specific date or absentee balloting.

This rule would also change the date on which CDAC Form 6 is due to the committee. Currently, the form is due by the 10th day of each month, but this rule would relax the reporting requirement by changing the due date to the 16th day of each month or such other date as the committee may prescribe. These changes were recommended unanimously by the committee at a meeting on October 30, 2008. A meeting of the Marketing Order Policy Review Subcommittee was held on October 21, 2008. At that meeting, the subcommittee discussed various proposals for improving committee operations, including these two proposed changes.

Section 987.24 of the order specifies that nominations shall be made no later than June 15 of every other year, and establishes procedures for nominations for membership on the committee by requiring the committee to establish a polling day for receiving committee nominations, and procedures for requesting and returning absentee ballots. This section also provides authority for the committee, with the approval of the Secretary, to recommend rules and regulations on the manner in which nominees may be obtained.

Section 987.124 of the order's rules and regulations further specifies the date, time, and procedure for polling, as well as for obtaining and casting absentee ballots.

At its meeting on October 30, 2008, the committee recommended that nominations be permitted through the mail or by other electronic means equivalent to the mail. When the order

was promulgated, there were a number of absentee date garden owners, and the advent of the polling day permitted the owners to travel to the area to vote on nominees to the committee.

Section 987.62 of the date order provides authority for the committee to require reports of dates shipped from handlers. In § 987.162 of the order's rules and regulations, CDAC Form 6 is specified as the handler acquisition and disposition report, and is currently due by the 10th day of each month.

There also is a California State marketing program, administered by the California Date Commission (commission). Under that program, the due date for the same type of information is the 16th of each month. Changing the due date of the CDAC Form 6 would simplify reporting by handlers as well as coordinate the operations of the committee and commission, since the committee staff is also the commission staff.

Deliberations on the Proposed Changes

In its deliberations on mail balloting, the committee commented that the current system is outmoded and cumbersome. Authorizing the committee to conduct nominations via mail or equivalent electronic means could result in greater industry participation in the nomination process, with the possible result being greater committee outreach and diversity of committee representation.

In their deliberations regarding the due date for CDAC Form 6, the committee discussed the confusion created by the State and Federal programs' differing due dates. Handlers report to the committee on the 10th day of the month and to the commission on the 16th day of the month. By making both reports due the same day, handlers could report more conveniently, and committee and commission operations would be coordinated and streamlined.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 85 producers of dates in the production area and 9 handlers subject to regulation under the marketing order. The Small Business Administration (13 CFR 121.201) defines small agricultural producers as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts of less than $7,000,000.

According to the National Agricultural Statistics Service (NASS), data for the most-recently completed crop year, 2008, indicates that about 3.34 tons, or 6,680 pounds, of dates were produced per acre. The 2008 grower price published by NASS was $1,470 per ton, or $.735 per pound. Thus, the value of date production in 2008 averaged about $4,909 per acre (6,680 pounds per acre times $.735 per pound). At that average price, a producer would have to have over 152 acres to receive an annual income from dates of $750,000 ($750,000 divided by $4,909 per acre equals 152.7 acres). According to committee staff, the majority of California date producers farm less than 152 acres. Thus, it can be concluded that the majority of date producers could be considered small entities. According to data from the committee, the majority of handlers of California dates may also be considered small entities.

This proposal would authorize the committee to conduct nominations via mail or equivalent electronic means, and would revise the due date for CDAC Form 6 from the 10th day each month to the 16th day of each month or such other date as the committee may prescribe.

The committee unanimously recommended these changes at their meeting on October 30, 2008. At the meeting, the committee discussed the impact of these changes on handlers and producers in terms of cost. Handlers and producers would be positively impacted by mail balloting, as they would not have to set aside time to drive to the committee offices to vote for committee members and alternate members, nor would they have to plan ahead to request absentee ballots.

Handlers would also be positively impacted by the change in the due date of the CDAC Form 6, since changing the due date of the committee form brings the requirement into line with the due date of the commission form, which seeks identical information. Handlers will simply be able to file the forms on the same day. Committee and commission operations would, thus, be streamlined.

The benefits for this rule are not expected to be disproportionately greater or less for small handlers or producers than for larger entities.

The committee discussed alternatives to these changes, including not conducting mail balloting or changing the due date of the CDAC Form 6. However, mail balloting would provide the industry with increased flexibility, outreach, and convenience by offering an opportunity for polling on more than just one day. A change of the due date for the CDAC Form 6 would also increase the reporting handlers' convenience. Both changes would improve the administration of the program and keep informational data filing uniform between the committee and the commission. For those reasons, the changes are advantageous to all entities, as well as to the committee staff. As a result, the committee members unanimously agreed that these changes should be recommended and should be in effect for the 2009–10 crop year, beginning on October 1, 2009.

A meeting of the Marketing Order Policy Review Subcommittee was held on October 21, 2008. At that meeting, the subcommittee discussed various proposals for improving committee operations, including these two proposed changes.

This proposed rule would provide more flexibility on committee polling procedures and change the due date for CDAC Form 6 under the date marketing order. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large date handlers.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements contained in this rule have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

In addition, the committee's meeting was widely publicized throughout the date industry, and all interested persons were invited to attend the meeting and

encouraged to participate in committee deliberations on all issues. Like all committee meetings, the October 30, 2008, meeting was a public meeting and all entities, both large and small, were encouraged to express their views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

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

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because: (1) This rule should be in place at the beginning of the crop year, October 1, 2009; (2) this rule was unanimously recommended at a public meeting; and (3) this rule is a relaxation of nomination procedures and reporting requirements. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is proposed to be amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 987 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 987.124 [Amended]

2. In § 987.124, paragraph (a) is revised to read as follows:

§ 987.124 Nomination and polling.

(a) Date producers and producer-handlers shall be provided an opportunity to nominate and vote for individuals to serve on the committee. For this purpose, the committee shall, no later than June 15 of each even-numbered year, provide date producers and producer-handlers nomination and balloting material by mail or equivalent electronic means, upon which producers and producer-handlers may nominate candidates and cast their votes for members and alternate members of the committee in accordance with the requirements in paragraphs (b) and (c) of this section, respectively. All ballots are subject to verification. Balloting material should be provided to voters at least 2 weeks before the due date and should contain, at least, the following information:

(1) The names of incumbents who are willing to continue to serve on the committee;

(2) The names of other persons willing and eligible to serve;

(3) Instructions on how voters may add write-in candidates;

(4) The date on which the ballot is due to the committee or its agent; and

(5) How and where to return ballots.

* * * * *

3. Section 987.162 is revised to read as follows:

§ 987.162 Handler acquisition and disposition.

(a) Handlers shall file CDAC Form No. 6 with the committee by the 16th of each month or such other date as the committee may prescribe, reporting at least the following for the preceding month:

(1) Their acquisitions of field run dates;

(2) Their shipments of marketable dates in each outlet category;

(3) Their shipments of free dates and disposition of restricted dates, whenever applicable; and

(4) Their purchases from other handlers of DAC, export, product, graded, and field run dates.

(b) In addition, this report shall include the names and addresses of any producers not previously identified pursuant to § 987.38, the quantity of dates acquired from each producer, the location of such producer's date garden, the acreage of that garden, and the estimated current season's production from that garden.

Dated: September 9, 2009.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–22065 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2008–0361]

RIN 3150–AI09

License and Certificate of Compliance Terms

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that govern licensing requirements for the independent storage of spent nuclear fuel. These proposed amendments include changes that would enhance the effectiveness and efficiency of the licensing process for spent nuclear fuel storage. Specifically, they would clarify the term limits for dry storage cask Certificates of Compliance (CoCs) and independent spent fuel storage installation (ISFSI) specific licenses. The proposed amendments would also provide consistency between the general and specific ISFSI license requirements, and allow general licensees subject to these regulations to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC (a ''previously loaded cask'').

DATES: The comment period expires November 30, 2009. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2008–0361 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. 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.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in

their comments that they do not want publicly disclosed.

Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2008–0361. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301–415–1677.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone 301–415–1677).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

You may submit comments on the information collections by the methods indicated in the Paperwork Reduction Act Statement.

You can access publicly available documents related to this proposed rule using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov.*

Federal Rulemaking Web site: Public comments and supporting materials related to this proposed rule can be found at *http://www.regulations.gov* by searching on Docket ID NRC–2008–0361.

FOR FURTHER INFORMATION CONTACT:

Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–5252, e-mail, *Keith.McDaniel@nrc.gov.*

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I. Background

On April 29, 2002, the Virginia Power and Electric Company (Dominion) submitted an application to renew Special Nuclear Materials (SNM) License SNM–2501 for the Surry ISFSI. SNM–2501 authorizes the storage of spent nuclear fuel in dry casks at the Surry Nuclear Power Plant. In the renewal application, Dominion requested an exemption from the 20-year license renewal term specified in 10 CFR 72.42(a) and sought approval for a 40-year license renewal term. Similarly, on February 27, 2004, Progress Energy Carolinas, Inc. (Progress Energy) submitted an application for the renewal of H. B. Robinson's ISFSI license which requested an exemption from the provisions of 10 CFR 72.42(a), so that the license renewal period for the H. B. Robinson ISFSI could be extended from 20 to 40 years.

The NRC staff determined the 40-year renewal exemption request to be a policy decision, not a technical one, because the safety evaluation indicated sufficient technical information had been provided in the application to grant the 40-year renewal period. As a result, a Commission paper (SECY–04–0175) entitled, ''Options for Addressing the Surry Independent Spent Fuel Storage Installation License-Renewal Period Exemption Request,'' was submitted on September 28, 2004, to request Commission approval of the Surry 40-year renewal exemption request.

On November 29, 2004, the Commission issued a Staff Requirements Memorandum (SRM) for SECY–04–0175, which authorized the NRC staff to approve 40-year license renewal terms for the Surry ISFSI, with

appropriate license conditions to manage the effects of aging. The SRM further directed the NRC staff to: (1) Initiate a program to review the technical basis for future rulemaking; (2) provide recommendations on the license term for Part 72 CoCs for spent nuclear fuel dry cask storage systems; and (3) apply the Commission-approved guidance for Part 72 renewals to future site-specific exemption requests without further Commission approval. In response to this direction, the staff submitted a Commission paper (SECY–06–0152) entitled, ''Title 10 Code of Federal Regulations Part 72 License and Certificate of Compliance Terms,'' on July 7, 2006, to recommend the scope of rulemaking.

In an SRM, dated August 14, 2006, the Commission authorized the staff to proceed with rulemaking proposals described in SECY–06–0152. In addition, the Commission specifically directed the staff to address the following points in the rulemaking: (1) Clarify the start of the 20-year term limit for cask designs approved under general license provisions; (2) identify whether the cask vendor or licensee is responsible for applying for the CoC renewals; (3) discuss possible conflicts that could arise for storage cask designs that are granted a license term extension and that have been approved for transport with a different license term; (4) discuss how the cask expiration dates are tracked at each general license site so that it is clearly understood when the CoC for each cask design must be renewed; and (5) clarify the difference between CoC ''approval'' and ''renewal.''

As this rulemaking commenced, the NRC staff identified a related issue regarding its approval of Amendment 4 to CoC 72–1026, which revised cask monitoring and surveillance requirements for the BNG Fuel Solutions W–150 storage cask. Subsequent to the approval, the certificate holder requested guidance from the NRC on the implementation of the changes authorized by the CoC amendment to previously loaded casks. In addition to this request, the NRC staff became aware of the belief among some general licensees that changes authorized by CoC amendments can be applied to previously loaded casks without prior NRC approval, if an analysis under § 72.48 is performed.

The NRC staff determined that under the current regulations, changes authorized by CoC amendments cannot be applied to previously loaded casks without express NRC approval, if such change results in a change to the terms or conditions of the CoC under which the cask was loaded. A previously loaded cask is bound by the terms and conditions (including the technical specifications) of the CoC applicable to that cask when the licensee loaded the cask. Therefore, under the current regulations, general licensees that want to apply changes approved by a CoC amendment to a previously loaded cask must request an exemption from the NRC if these changes alter the terms or conditions of the CoC under which that cask was loaded.

In the SRM for COMSECY–07–0032, dated December 12, 2007, the Commission stated that it did not object to the staff expanding the scope of the proposed rulemaking to include two issues concerning the extension of license renewal terms for ISFSI specific licenses and to allow Part 72 general licensees to apply CoC amendment changes to previously loaded casks.

In the August 14, 2006, SRM for SECY–06–0152, the Commission directed the NRC staff to be as transparent as possible in developing the proposed rule package, including making draft text available for comment to stakeholders, and holding public meetings, if necessary, before formal submission of the proposed rule to the Commission. In response, the NRC staff held public meetings on November 7, 2006, and February 29, 2008, to discuss the technical bases of the rulemaking with stakeholders. In addition, on August 4, 2008, the NRC staff made preliminary draft rule text available for comment to stakeholders on Regulations.gov (Docket ID NRC–2008–0361). The only external stakeholders that submitted comments were Nuclear Energy Institute and Florida Power and Light. The comments generally supported the rulemaking. The ''Discussion'' section of this document includes NRC responses to significant stakeholder comments.

II. Discussion

A. What action is the NRC taking, and why?

The NRC is proposing to revise Part 72 requirements for site-specific and general ISFSI licensees and CoCs to enhance the effectiveness and efficiency of the licensing process.

For site-specific ISFSI licenses, the Commission is proposing to codify a technical approach consistent with that applied in granting the 40-year exemptions for the Surry and H. B. Robinson site-specific ISFSI license renewals, so that all site-specific ISFSI licensees will have the flexibility to request up to 40-year initial and renewal terms while ensuring safe and secure storage of spent nuclear fuel.

For CoCs, the Commission is also proposing to allow the flexibility for applicants to request initial and renewal terms up to 40 years. Question C of this section discusses the technical basis for this change. Under this proposed change, applicants would be required to demonstrate that design and support/operational programs are suitable for the requested term. The NRC staff has developed a standard review plan for renewal applications.

For both site-specific licenses and CoCs, the proposed rule adds a requirement that renewal applicants must provide time limited aging analyses and a description of an aging management program (see Questions F, G, and H) to ensure that storage casks will perform as designed under extended license terms.

The NRC is proposing to replace the term ''reapproval,'' which is used to describe the process of extending the CoC terms, to ''renewal'' for consistency with site-specific license terminology. Question E of this section discusses the rationale for this change.

The proposed rule also would allow general licensees to implement changes associated with CoC amendments to previously loaded casks, provided that the loaded cask conforms to the CoC amendment codified by the NRC in § 72.214 and continue to ensure the safe and secure storage of spent fuel. Question N of this section discusses the rationale for this change.

B. Whom does this action affect?

The proposed rule would affect Part 72 site-specific and general licensees and certificate holders.

C. Why is the NRC increasing initial and renewal terms for site-specific ISFSI licenses from 20 years to not to exceed 40 years?

The NRC is increasing initial and renewal terms for site-specific ISFSI licenses from 20 years to not to exceed 40 years to be consistent with the NRC staff's findings regarding the safety of spent nuclear fuel storage, as documented in the renewal exemptions issued to the Surry and H.B. Robinson ISFSIs. During the review for the Surry and H. B. Robinson renewal applications, the NRC staff evaluated the technical data resulting from an NRC-supported research program at the Idaho National Laboratory (INL), formerly Idaho National Engineering and Environmental Laboratory, and also considered experience with dry spent fuel storage casks used at Surry. Under the INL research program, INL opened

a dry storage cask after the fuel had been stored for approximately 15 years. At Surry, several casks were also opened after less than 15 years of storage as a result of some faulty weather covers which were corrected. Summaries of the findings regarding the condition of the fuel and cask components follow:

(1) Cladding creep is a time-dependent change in the dimension of the cladding resulting from high temperature and stress. It was considered as a potential degradation mechanism during storage. Confirmatory inspection of the spent fuel stored at INL verified that no cladding creep had occurred. The spent fuel in dry storage at Surry also supports this finding. The NRC staff expects very little to no fuel degradation at the end of an extended licensing period. The established limits for cladding temperature during storage, and continually decreasing level of cladding stress and temperature, further remove creep as a degradation mechanism. Assessment indicated that cladding creep would not be an issue.

(2) The NRC staff also expects limited degradation of other internal components because there are no significant corrosive influences in the inert environment, either for the fuel or for other components. The INL inspection verified that there was no indication of corrosion for any internal canister components. The NRC staff has also concluded that radiation levels are too low to significantly alter the properties of the metals for any storage canister components.

(3) The other external components of the storage systems (which are exposed to weathering effects) would already be covered by an inspection and corrective action program, or routine maintenance, to ensure that any degradation will be identified and assessed for its importance to safety, and will be addressed through corrective actions to ensure continued safe operation of the storage system.

Based on these findings, the NRC staff concludes that, with appropriate aging management and maintenance programs, license terms not to exceed 40 years are reasonable and protect public health and safety and the environment.

D. Can applicants apply for an initial or renewal term greater than 40 years?

Under the proposed rule, applicants cannot apply for an initial or renewal term greater than 40 years. Any request for a term greater than 40 years must be justified and will be processed as an exemption request under § 72.7. As discussed in Question C of this section, the NRC staff believes that 40-year increments are reasonable without undue risk to the public or to the environment, if there are appropriate aging management and maintenance programs.

The license term (i.e., initial license or renewed license) establishes specific intervals for the systematic evaluation of systems, structures, and components important to safety to ensure their safe operation. For licensing purposes, the Commission has determined that the license term for dry spent fuel cask storage is limited to 40 years or less depending on the technical justification submitted by the licensee. However, if a licensee requested that a specific license period be longer than 40 years, that license application would have to provide additional information on the long-term material degradation of dry spent fuel storage casks, as well as associated aging management activities, to justify safe operation during the extended period, and the NRC would need to evaluate this information. This discussion about license renewal terms longer than 40 years does not imply that the spent fuel cannot be safely stored beyond the maximum allowed 40 year license term. In fact, the regulations place no restrictions on the number of times the license can be renewed. The key element in approving an initial license application or renewal application is a finding of reasonable assurance that the public health and safety will be protected during the license term. This finding arises from the review of the technical basis.

E. Why is the NRC changing the word ''reapproval'' to ''renewal''?

The NRC is changing the word ''reapproval'' to ''renewal'' in the proposed rule to be consistent with the terminology used in other license requirements under Part 72. Currently, § 72.240 uses ''reapproval'' to describe the process of extending the terms of CoCs. However, this terminology differs from other sections in Part 72. For example, § 72.42 uses the word ''renewal'' to define the process for extending the term of site-specific ISFSI licenses, and § 72.212(a)(3) uses ''renewal'' to define the process for the continued use of storage casks of a particular design at a given site. Although ''reapproval'' and ''renewal'' are similar words, they are subject to different regulatory interpretations. ''Renewal'' typically implies a process whereby a new license, subject to the same requirements as the original, replaces an expired license. ''Reapproval'' could imply a process to reevaluate the design bases in accordance with current review standards, which may be different from the standards in place at initial certification and storage cask use.

By using the word ''renewal,'' the proposed rule revisions would remove ambiguity from the process for extending the terms of CoCs, as opposed to the uncertainty of extending CoC terms based on reevaluation of design bases using current standards. Although the NRC continuously updates its review standards, no compelling safety concerns have been identified to warrant the removal of spent fuel from a cask design that does not meet the latest review standards.

In addition, the Statements of Consideration (55 FR 29184; July 18, 1990) for the final rule that added the general license provisions to Part 72 stated that the intent of reapproval is not to reevaluate the initial licensing basis: ''[t]he procedure for reapproval of cask designs was not intended to repeat all the analyses required for the original approval.'' Thus, this interpretation of ''reapproval'' is more in the nature of a ''renewal,'' in that the initial licensing basis does not need to be reevaluated to extend CoC terms.

The referenced Statements of Consideration also reported that, ''[t]he Commission believes that the staff should review spent fuel storage cask designs periodically to consider any new information, either generic to spent fuel storage or specific cask designs, that may have arisen since issuance of the Certificate of Compliance.'' Clearly, measures would need to be taken if the ''new information'' involves safety concerns. These measures would depend on the nature of the safety concerns and the cask design. Requests for Additional Information (RAIs) may be generated during the renewal process to prompt licensees/applicants to address such safety concerns.

The NRC recognizes that a cask design certified years ago may not meet the latest standards, yet it may be fully acceptable to continue to store fuel already in casks of that design. Furthermore, there would be significant safety considerations if spent fuel were to be repackaged. When considering repackaging, safety considerations associated with the repackaging operation should be weighed against any safety concerns with leaving the spent fuel in its existing storage container. Renewal for an existing loaded cask should consider the initial licensing basis. For an unloaded cask or an older cask design whose CoC has expired, it would be prudent to review it against the latest standards.

F. Why is the NRC adding a definition for the term ''time-limited aging analyses''?

Time-Limited Aging Analyses (TLAA) is a process to assess systems, structures, and components (SSCs) important to safety which have a time-dependent operating life. The NRC is proposing to add a definition for TLAA because TLAA would be required for the renewal of a site-specific license under proposed § 72.42(a)(1) and for the renewal of a spent fuel storage cask CoC under proposed § 72.240(c)(2). Furthermore, stakeholders asked for a definition of ''time-limited aging analyses'' when they reviewed the initial guidance document for the Surry and H. B. Robinson site-specific ISFSI license renewals.

G. What is an Aging Management Program (AMP)?

An AMP is a program for addressing aging effects which may include prevention, mitigation, condition monitoring and performance monitoring programs. SSCs must be evaluated to demonstrate that aging effects will not compromise the SSCs' intended functions during the storage period.

H. Why is the NRC requiring an AMP?

The NRC believes that it is appropriate to codify an AMP in Part 72 for applicants who apply to renew site-specific ISFSI licenses or CoCs because degradation of the SSCs at an ISFSI, such as degradation due to corrosion, radiation, and creep, are time-dependent mechanisms. AMP requirements would ensure that SSCs will perform as designers intended during the renewal period.

I. Why is the NRC changing the 20-year general license term for cask designs approved for use under the general license provisions?

The NRC is proposing to change the 20-year general license term limit for the storage of spent fuel in casks fabricated under a CoC to be consistent with the proposed revisions to CoC initial and renewal terms (which establish a CoC term not to exceed 40 years).

Under § 72.210, a general license for the storage of spent fuel in an ISFSI at power reactor sites is issued to those persons authorized to possess or operate nuclear power reactors under 10 CFR Parts 50 or 52. The general license is limited to that spent fuel which the general licensee is authorized to possess at the site under the specific license for the site. The general license is further limited to storage of spent fuel in casks approved and fabricated under the provisions of Subpart L of Part 72. Currently, the general licensee's authority to use a particular cask design under an approved CoC terminates 20 years after the date that the general licensee first uses the particular cask to store spent fuel, unless the cask's CoC is renewed, in which case the general license terminates 20 years after the CoC renewal date. In the event the cask's CoC were to expire, any loaded spent fuel storage casks of that design would need to be removed from service after a storage period not to exceed 20 years.

The NRC proposes to revise the regulations to specify that the general license for the storage of spent fuel in each cask fabricated under a CoC commences upon the date that the particular cask is first used by the general licensee to store spent fuel and shall not exceed the term certified by the cask's CoC, unless the cask's CoC is renewed, in which case the general license terminates when the cask's CoC expires. The proposed rule further specifies that if a CoC were to expire, any loaded spent fuel storage casks of that design would need to be removed from service after a storage period not to exceed the term certified by the cask's CoC.

J. Are there possible conflicts that could arise for storage cask designs that are granted a term extension that are also approved for a different term limit as a transportation package?

The Commission raised this issue in its SRM for SECY–06–0152, dated August 14, 2006. The NRC staff does not foresee any possible conflicts. The current regulations in Part 72 encourage, but do not require storage cask designs to have a compatible, approved transportation cask. So called ''dual use'' systems must be separately certified under the requirements in 10 CFR Part 71 (transportation) and Part 72 (storage). Typically, the only common item between these systems is the inner canister, which holds the spent fuel contents.

Part 71 certificates for transportation packages are issued for a 5-year term whereas Part 72 CoCs are issued for much longer periods (under the current regulations, most CoCs have 20 year terms; under the proposed rule, the CoC term is extended to a not to exceed 40 year term). For each transportation cask certified under 10 CFR Part 71, the CoC specifies ''approved contents.'' The description of the approved contents for a spent fuel transportation package defines the acceptable fuel types and characteristics and, typically, it is the condition of the fuel, not its age that determines its acceptability. Spent fuel stored in dry casks, even for extended terms, is not expected to experience any significant degradation that would affect its acceptability to be shipped in a suitable transportation cask. Part 72 general design criteria require fuel retrievability and that design of the storage casks should consider, to the extent practicable, compatibility with removal of the stored spent fuel from the reactor site, transportation, and ultimate disposition by the Department of Energy. Based upon the NRC supported INL research program and the Surry and H.B. Robinson ISFSI renewal applications, the NRC staff has concluded that typical spent fuel can be safely stored in dry casks without appreciable degradation.

If the condition of spent fuel, or its storage canister, was believed to have degraded during extended storage such that it no longer met the criteria for approved contents, a licensee would have other alternatives for transport of that spent fuel. A new or modified approved transportation cask might be used, or the fuel might be repackaged (or ''canned''), to place it in an acceptable configuration.

K. How do general licensees track cask expiration dates?

General licensees maintain a schedule for each cask used at their sites, and the licensees submit this information to the Commission. Section 72.212(b)(1) of the proposed rule requires general licensees to notify the Commission at least 90 days before first storing spent nuclear fuel under a general license. Section 72.212(b)(2) of the proposed rule would require general licensees to register use of each cask with the Commission no later than 30 days after using that cask to store spent fuel. To register casks, licensees must submit their name and address, reactor license and docket numbers, the name and title of a person responsible for providing additional information concerning spent fuel storage under the general license, the cask certificate number, the amendment number, if applicable, cask model number, and the cask identification number. With this information, the Commission will know the loading and expiration dates of each cask. This information also will enable the NRC to schedule any necessary inspections and will permit the NRC to maintain an independent record of use for each cask.

L. Who is responsible for applying for CoC renewals?

The proposed rule retains the structure of the current rule which emphasizes the certificate holder (the cask vendor) applying for cask renewal. If the certificate holder chooses not to

apply for the renewal of a particular cask design or is no longer in business, a general licensee may apply for renewal in its place. If the general licensee seeks to fabricate this cask design, it must satisfy the applicable requirements of Part 72, including establishment and maintenance of the requisite quality assurance (QA) program.

M. Does the NRC have a definition for ''terms, conditions, and specifications'' as they relate to the CoC?

The NRC does not include a definition for ''terms, conditions, and specifications'' in the proposed rule because these words are generic in nature, and are used in other parts of the NRC's regulations without definition.

N. Under the proposed rule, can a licensee apply CoC amendments to previously loaded casks?

Proposed § 72.212 would allow a general licensee to apply changes authorized by a CoC amendment to a previously loaded cask provided that the licensee demonstrates, through a written evaluation, that the cask meets the terms and conditions of the subject CoC amendment (i.e., the loaded cask must conform to the CoC amendment codified by the NRC in § 72.214).

O. May a general licensee implement only some of the authorized changes in a CoC amendment without prior NRC approval?

If a general licensee elects to apply the changes authorized by a CoC amendment to a previously loaded cask, the cask must conform to the terms and conditions after the changes have been applied, including the technical specifications of the CoC amendment. Partial or selective application of some of the authorized changes, but not others, requires prior NRC approval (in this case, the general licensee would apply for an exemption). The basis for allowing licensees to apply the changes authorized by a CoC amendment to a previously loaded cask without prior approval from the NRC is that the cask will remain in an analyzed condition if, after the changes have been applied, it conforms to the terms and conditions of the CoC amendment. The NRC has previously stated, ''a spent fuel storage cask will be relied on to provide safe confinement of radioactive material independent of a nuclear power reactor's site, so long as conditions of the Certificate of Compliance are met'' (54 FR 19381; May 5, 1989). However, partial or selective application of a CoC amendment's changes would result in a cask that would be in an unanalyzed condition.

In a related issue, the NRC agrees with an industry comment raised in response to the publication of the draft preliminary rule text (73 FR 45173; August 4, 2008). The draft preliminary rule text required that a general licensee ensure that once the changes authorized by a CoC amendment had been applied to a previously loaded cask, that the cask then ''fully conforms'' to the terms and conditions of the CoC amendment. The industry comment raised the concern that the phrase ''fully conforms'' was overly restrictive and requiring conformance with all the changes authorized by a CoC amendment would not be feasible or logical in certain instances, namely, in those cases where the amended CoC requirements do not apply to that particular general licensee site or ISFSI (e.g., requirements for pressurized water reactors (PWR) fuel at a boiling water reactor (BWR) plant).

In light of this comment, the proposed rule language now requires that the cask, once CoC amendment changes have been applied, ''conforms'' to the terms and conditions of the CoC amendment. Thus, CoC amendment requirements for PWR fuel need not be met at a BWR plant.

Similarly, if the CoC amendment changes the Technical Specifications for loading, general licensees may have difficulty demonstrating that the previously loaded cask complies with the new loading requirements. Proposed 10 CFR 72.212(b)(5) would require general licensees to perform written evaluations prior to applying the changes authorized by an amended CoC to a previously loaded cask. If the evaluation indicates that the loading conditions under the old CoC amendment would not affect the ability of the previously loaded cask to meet the storage or unloading requirements of the newer CoC amendment, general licensees would be considered as conforming with the terms and conditions of the newer CoC amendment without having to meet the new loading requirements.

P. Do later CoC amendments encompass earlier CoC amendments?

No, later CoC amendments do not encompass earlier amendments unless the language of the later CoC amendment expressly indicates otherwise. Generally, when the NRC reviews an amendment to a CoC, the NRC staff considers the changes associated with the amendment request only and limits its review to the bounding conditions of the analysis. Specific changes associated with earlier CoC amendments for previously loaded casks are not considered during the review process for a later amendment. Thus, depending on the nature of the changes, later amendments do not necessarily encompass earlier amendments and sometimes may be inconsistent with earlier amendments.

Q. Why can't general licensees use the 10 CFR 72.48 process to apply CoC amendment changes to previously loaded casks?

The principal requirement of § 72.48 regarding changes to cask designs is that the desired changes do not result in a change in the terms, conditions, or specifications incorporated in the CoC. A previously loaded cask is bound by the terms, conditions, and technical specifications of the CoC applicable to that cask at the time the licensee loaded the cask. Thus, under § 72.48, a licensee may only make those cask design changes that do not result in a change to the terms, conditions, or specifications of the CoC under which the cask was loaded. The proposed rule would not amend § 72.48; but would amend § 72.212 by authorizing a general licensee to apply the changes authorized by a CoC amendment to a previously loaded cask, provided that after the changes have been applied, the cask conforms to the terms and conditions, including the technical specifications, of the CoC amendment.

R. If a general licensee selects and purchases a cask system under an earlier amendment, but does not load the casks, can the general licensee adopt the most recent amendment for the empty casks before loading them?

Adoption of the most recent amendment depends on the nature of the changes between the CoC amendment under which the cask system was fabricated and the most recent amendment. CoC amendments are routinely requested by cask manufacturers or vendors (also referred to as the certificate holders) to account for advances in cask design and technology. Some amendments will be associated with cask hardware changes. A cask system that was purchased under an older amendment may or may not be able to be modified to a cask system that meets the most recent amendment.

Proposed § 72.212 would require that general licensees perform written evaluations demonstrating that the conditions in the CoC have been met before loading empty casks. If such an evaluation failed to meet the conditions in the most recent CoC amendment, the empty cask cannot be changed to the

most recent amendment by the general licensee before loading. If the evaluation demonstrates that the conditions in the most recent CoC amendment are met, then the most recent amendment can be implemented to this previously purchased empty cask.

S. What are NRC's plans for providing guidance and examples of aging analyses and AMPs to licensees?

The NRC is developing a draft Standard Review Plan (SRP) entitled, ''Standard Review Plan for License Renewal of Independent Fuel Storage Installations.'' The intent of this SRP is to provide guidance to the NRC staff in reviewing the licensees' programs for managing the effects of aging on spent fuel storage casks or ISFSI sites. Aging analyses and aging management programs are two components of an overall program for managing the effects of aging. Because applicants would need to submit a time-limited aging analysis and a description of their program to manage the effects of aging when applying for renewal of either CoCs or specific licenses under the proposed rule, this SRP would also assist potential applicants in identifying parameters to be included in a renewal application and measures necessary to ensure that the cask or ISFSI can be operated during the renewal period without undue risk to the public health and safety. The draft SRP will be published for public comment following the publication of this proposed rule.

T. Could the NRC maintain the current paragraph designations of 10 CFR 72.212(b)?

The NRC understands the burden arising from changing the paragraph designations of a regulation. However, the NRC is proposing to rearrange the provisions of § 72.212(b) to better organize regulatory requirements. For example, the proposed rule would group recordkeeping requirements at the end of § 72.212(b) rather than dispersing them among other requirements, as is currently the case. The NRC's intent for rearranging § 72.212(b) is to make this provision more user-friendly. These proposed changes are documented in Table 1 located in Section III (Item 4) of this document (Discussion of Proposed Amendments by Section under the discussion pertaining to § 72.212).

U. When are licensees required to submit cask registration letters?

Under proposed 10 CFR 72.212(b)(2), general licensees must submit a cask registration letter no later than 30 days after using (loading) that cask to store spent fuel. One registration letter may be submitted for a campaign that loads more than one cask, provided that the letter lists the cask certificate number, the amendment number, the cask model number, and the cask identification number of each cask covered by the campaign.

In addition, under proposed 10 CFR 72.212(b)(4), general licensees must submit a cask registration letter no later than 30 days after applying the changes authorized by an amended CoC to a previously loaded cask. One registration letter may be submitted for a campaign that applies CoC amendment changes to more than one cask, provided that the letter lists the cask certificate number, the amendment number to which the cask will conform, the cask model number, and the cask identification number of each cask covered by the campaign.

V. If a CoC is not renewed, how long would general licensees have to remove expired casks from service?

For those dry storage systems for which renewals are not planned, users should plan ahead to remove these dry storage systems from service before the expiration of the storage terms specified in the expired CoC. Because users are most aware of the general cask schedule and the number of casks to be removed from service at their sites, users are in the best position to develop a reasonable schedule for the removal. The NRC anticipates that dry storage systems with a large number of casks in use likely will be renewed either by the vendor or by a user or group of users. Therefore, it is unlikely that licensees will need to remove a large number of casks from service at the same time.

W. When the NRC renews a CoC, are all amendments to that CoC simultaneously renewed as well?

Section 72.214 lists one expiration date for each CoC. Amendments under a CoC may have different effective dates; however, they share the same certificate number and docket number. Therefore, a single renewal application for a CoC with updated information to reflect all the changes would apply to all CoC amendments.

X. If a general licensee applies for the renewal of a given CoC (assuming the certificate holder went out of business or chose not to apply for the renewal of a given CoC), and if the NRC approves the renewal of that CoC, is the renewed CoC available only to that general licensee or is it available to all general licensees?

CoC certificates are generic designs and approved by rulemaking. The renewed CoC would be available to all persons who hold a general license under § 72.210.

Y. Can the requirements in the proposed rule regarding time-limited aging analyses for CoC renewals be based upon a ''current licensing basis'' patterned after 10 CFR Part 54 rather than the design bases?

The NRC does not believe that the Part 54 ''current licensing basis'' (CLB) is the appropriate basis for time-limited aging analyses in support of CoC renewals. The NRC does not believe that it is appropriate for the CLB to be applied to cask CoC renewals, which are generic. The CLB is typically the set of NRC requirements applicable to a specific plant and a specific licensee's written commitments for ensuring compliance with and operation within applicable NRC requirements, including the plant specific design basis (including all modifications and additions to regulatory commitments over the life of the license) that are docketed and in effect.

Z. What is the status of the draft NRC Regulatory Issue Summary (RIS) 2007–26 which was issued on January 14, 2008 (73 FR 2281)?

The NRC has decided not to finalize the draft RIS 2007–26, because proposed § 72.212(b) would provide a path forward for implementation of later amendments to previously loaded casks. An Enforcement Guidance Memorandum (EGM) will be issued in conjunction with the publication of this proposed rule to provide guidance to NRC inspectors for exercising enforcement discretion concerning deficiencies related to implementing changes, authorized by CoC amendments to previously loaded casks, that occurred prior to issuance of the EGM.

AA. On what issues does the Nuclear Regulatory Commission specifically ask for public review and comment?

The NRC is inviting the public to comment on the proposed rule in its entirety. In particular, the NRC requests public review and comment on the proposed provisions in 10 CFR 72.212 with regard to implementation of the requirements to allow a licensee to apply the changes authorized by an amended CoC to a previously loaded cask, and whether or not the evaluation required by 10 CFR 72.212(b)(5) should be reviewed and approved by the NRC. The NRC also seeks public review and comment on whether the requirement for an aging management program for CoC renewals should fully address possible site aging issues (e.g., different

environmental conditions) for general licensees.

III. Discussion of Proposed Amendments by Section

1. Section 72.3, Definitions.

The proposed rule would add a definition for ''Time-limited aging analysis.''

2. Section 72.24, Contents of application; Technical information.

The proposed rule change to § 72.24(c) would require applicants seeking initial specific licenses or specific licensees seeking renewals to demonstrate in sufficient detail that the design of the ISFSI or monitored retrievable storage installation (MRS) is capable of performing the intended functions for the term requested in the application.

3. Section 72.42, Duration of license; renewal.

The proposed rule change to § 72.42(a) would extend the term for both an initial specific license and a license renewal from a term of 20 years to a term not to exceed 40 years. The proposed rule change would also add a requirement that specific licensees seeking renewals submit a time-limited aging analysis and a description of the aging management program. Any license renewal application will be required to include an analysis that considers the effects of aging on SSCs important to safety for the requested renewal term.

The proposed rule change to § 72.42(b) would add language to require applications for license renewal to include design bases information as documented in the most recently updated final safety analysis report (FSAR) as required by § 72.70.

4. Section 72.212, Conditions of general license issued under § 72.210.

The proposed rule would make several changes to § 72.212. The proposed rule would revise § 72.212(a)(3) by changing the general license term from 20 years after the date that the particular cask is first used by the general licensee to one that shall not exceed the term certified by the cask's CoC after the date that the particular cask is first used by the general licensee. Similarly, the termination of the general license, following any renewal, is changed from 20 years after the renewal date to the expiration date set forth in the renewed CoC. The proposed rule would change the cask removal from service requirement from a storage period not to exceed 20 years following the expiration of the cask's CoC, to one that shall not exceed the term certified by the cask's CoC following the expiration of the cask's CoC. In addition, the proposed rule would substitute the term ''certificate holder'' for the term ''cask vendor'' and the term ''renewal'' for ''reapproval'' with respect to cask designs. The proposed rule would retain the language that if a CoC holder does not renew a particular cask CoC, a general licensee using casks of that design may apply for design renewal under § 72.240.

The proposed rule would amend § 72.212(b), including changes to redesignate and reorganize the provisions of that section. The following table cross references the proposed regulations with the current regulations. Use of ''modified'' in Table 1 refers to a rule whose content has been modified. Remaining table entries are either new rules or rules that have been renumbered but whose content is unchanged.

TABLE 1—CROSS REFERENCE OF PROPOSED REGULATIONS WITH CURRENT REGULATIONS

Proposed rule	Current rule
§ 72.212(b)(1)	§ 72.212(b)(1)(i).
§ 72.212(b)(2)	§ 72.212(b)(1)(ii) (modified).
§ 72.212(b)(3)	New.
§ 72.212(b)(4)	New.
§ 72.212(b)(5)	§ 72.212(b)(2)(i) (modified).
§ 72.212(b)(5)(i)	§ 72.212(b)(2)(i)(A).
§ 72.212(b)(5)(ii)	§ 72.212(b)(2)(i)(B).
§ 72.212(b)(5)(iii)	§ 72.212(b)(2)(i)(C).
§ 72.212(b)(6)	§ 72.212(b)(3) (modified).
§ 72.212(b)(7)	§ 72.212(b)(2)(ii) (modified).
§ 72.212(b)(8)	§ 72.212(b)(4) (modified).
§ 72.212(b)(9)	§ 72.212(b)(5).
§ 72.212(b)(9)(i)	§ 72.212(b)(5)(i).
§ 72.212(b)(9)(ii)	§ 72.212(b)(5)(ii).
§ 72.212(b)(9)(iii)	§ 72.212(b)(5)(iii).
§ 72.212(b)(9)(iv)	§ 72.212(b)(5)(iv).
§ 72.212(b)(9)(v)	§ 72.212(b)(5)(v).
§ 72.212(b)(9)(vi)	§ 72.212(b)(5)(vi).
§ 72.212(b)(10)	§ 72.212(b)(6).
§ 72.212(b)(11)	§ 72.212(b)(7) (modified).
§ 72.212(b)(12)	§ 72.212(b)(8)(i).
§ 72.212(b)(12)(i)	§ 72.212(b)(8)(i)(A).
§ 72.212(b)(12)(ii)	§ 72.212(b)(8)(i)(B).
§ 72.212(b)(12)(iii)	§ 72.212(b)(8)(i)(C).
§ 72.212(b)(13)	§ 72.212(b)(9).
§ 72.212(b)(14)	§ 72.212(b)(10).
§ 72.212(c)	§ 72.212(b)(8)(ii) (modified).
§ 72.212(d)	§ 72.212(b)(8)(iii) (modified).
§ 72.212(e)	§ 72.212(b)(1)(iii).

The proposed rule would redesignate § 72.212(b)(1)(i) as § 72.212(b)(1) and would make minor editorial changes to this provision.

The proposed rule would redesignate § 72.212(b)(1)(ii) as § 72.212(b)(2) and further revise the provision to add a requirement that general licensees, when registering a cask no later than 30 days after loading, include the CoC amendment number, if applicable.

The proposed rule would add a new provision, § 72.212(b)(3), that emphasizes the requirement that general licensees must conform to the terms, conditions, and specifications of a CoC or an amended CoC listed in § 72.214. Partial or selective application of the terms, conditions, and specifications of a CoC or an amended CoC, without prior NRC approval, will result in a cask that is in an unanalyzed condition and is therefore, prohibited.

The proposed rule would add a new provision, § 72.212(b)(4), that would require registration of those previously loaded casks no later than 30 days after applying the changes authorized by an amended CoC.

The proposed rule would redesignate § 72.212(b)(2)(i) as § 72.212(b)(5). Proposed § 72.212(b)(5) would expand the scope of § 72.212(b)(2)(i) to require written evaluations before applying the changes authorized by an amended CoC to a previously loaded cask. Thus, the proposed rule would require a written evaluation before loading the cask with spent fuel and an additional written evaluation before any changes authorized by a CoC amendment are applied to a previously loaded cask. The proposed rule would redesignate § 72.212(b)(2)(i)(A) as § 72.212(b)(5)(i) and revise it to specify that the written evaluations are to establish that the cask will conform to the terms, conditions, and specifications of a CoC or amended CoC after the cask is loaded with spent fuel or the changes authorized by an amended CoC have been applied. The proposed rule would redesignate §§ 72.212(b)(2)(i)(B) and (C) as §§ 72.212(b)(5)(ii) and (iii), respectively.

The proposed rule would redesignate § 72.212(b)(3) as § 72.212(b)(6) and revise it to add a reference to an amended CoC.

The proposed rule would redesignate § 72.212(b)(2)(ii) as § 72.212(b)(7) and revise it to add a requirement to evaluate any changes to the site parameters determination and analyses required by paragraph § 72.212(b)(6), using the requirements of § 72.48.

The proposed rule would redesignate §§ 72.212(b)(4) through (b)(6) as §§ 72.212(b)(8) through (b)(10). The proposed rule would make changes to cross references and other minor editorial changes. Proposed § 72.212(b)(9) reflects amendments made to § 73.55 by two recent rulemakings amending Part 73 (74 FR 63573; October 24, 2008, and 74 FR 13926; March 27, 2009).

The proposed rule would redesignate § 72.212(b)(7) as § 72.212(b)(11) and revise it to add references to an amended CoC. The proposed rule would also add language to clarify that a licensee must comply with the technical specifications of the CoC, in addition to the terms and conditions of the CoC. Further, added language would require the licensee to comply with the terms, conditions, and specifications of the amended CoC for those casks to which the licensee has applied the changes of an amended CoC.

The proposed rule would redesignate §§ 72.212(b)(8)(i), (b)(9), and (b)(10) as §§ 72.212(b)(12), (b)(13), and (b)(14), respectively.

The proposed rule would redesignate §§ 72.212(b)(8)(ii), (b)(8)(iii), and 72.212(b)(1)(iii) as §§ 72.212(c), (d), and (e), respectively, and make conforming cross-reference changes.

5. Section 72.230, Procedures for spent fuel storage cask submittals.

The proposed rule would revise § 72.230(b) by adding language that establishes the proposed term for a period not to exceed 40 years. The proposed rule would further amend § 72.230(b) by replacing the words ''for a period of at least 20 years'' with ''the term proposed in the application.''

6. Section 72.236, Specific requirements for spent fuel storage cask approval and fabrication.

The proposed rule would revise § 72.236(g) by adding language to require spent fuel storage casks to be designed to store spent fuel safely for the term proposed in the application, eliminating the current language that requires the cask design to store spent fuel safely for a minimum of 20 years.

7. Section 72.238, Issuance of an NRC Certificate of Compliance.

The proposed rule would revise § 72.238 by adding language that establishes the term for a CoC to be ''not to exceed 40 years.''

8. Section 72.240 Conditions for spent fuel storage cask renewal.

The proposed rule would revise the heading of § 72.240 and the language of §§ 72.240(a), (b), and (d) by replacing the word ''reapproval'' with ''renewal.'' The proposed rule would further revise § 72.240(a) to establish the CoC renewal term as one not exceeding 40 years. The proposed rule would further revise § 72.240(a) to clarify that the certificate holder is the entity expected to apply for renewal of the CoC, although in the event that a certificate holder does not apply for a CoC renewal, any general licensee using that particular cask design may then apply for renewal of the CoC.

The proposed rule would add a new § 72.240(c) which would require that the safety analysis report (SAR) accompanying the renewal application must include design bases information as documented in the most recently updated FSAR, a time-limited aging analysis of structures, systems, and components important to safety, and a description of the program for management of issues associated with aging that could adversely affect structures, systems, and components important to safety. The proposed rule would redesignate § 72.240(c) as § 72.240(d) and revise it to add a requirement that any CoC renewal application must demonstrate compliance with Subpart G of Part 72, the quality assurance provisions. The proposed rule also revises the last sentence of the provision to improve its readability.

IV. Criminal Penalties

For the purpose of Section 223 of the Atomic Energy Act (AEA), the Commission is proposing to amend Part 72 under one or more of Sections 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement.

V. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the Federal Register on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA, as amended, or the provisions of Title 10 of the CFR. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws but does not confer regulatory authority on the State.

VI. Plain Language

The Presidential Memorandum ''Plain Language in Government Writing'' published June 10, 1998 (63 FR 31883), directed that the Government's documents be in clear and accessible language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the NRC as explained in the **ADDRESSES** caption of this document.

VII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC would clarify the terms for dry spent fuel storage cask designs, or CoCs, and ISFSI licenses. In addition, the proposed action also allows Part 72 general licensees to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC (a ''previously loaded cask''). These actions do not constitute the establishment of a standard that establishes generally applicable requirements.

VIII. Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has prepared an environmental assessment and, on the basis of this environmental assessment, has made a finding of no significant impact. The proposed amendments are procedural in nature whereby extended license and CoC terms and the implementation of CoC amendments to previously loaded casks could be achieved by exemptions under the current regulations. They will not have a significant incremental effect on the environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this rulemaking.

The determination of this environmental assessment is that there will be no significant impact to the public from this action. However, the general public should note that the NRC welcomes public participation. Comments on any aspect of the Environmental Assessment may be submitted to the NRC as indicated under the **ADDRESSES** heading in this document.

The NRC has sent a copy of the Environmental Assessment and this proposed rule to every State Liaison Officer and requested their comments on the Environmental Assessment. The Environmental Assessment may be examined at the NRC Public Document Room, Room O–1F21, 11555 Rockville Pike, Rockville, MD 20852.

IX. Paperwork Reduction Act Statement

This proposed rule contains new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget (OMB) for review and approval of the information collection requirements.

Type of submission, new or revision: Revision.

The title of the information collection: 10 CFR Part 72, ''License and Certificate of Compliance Terms''.

The form number if applicable: Not applicable.

How often the collection is required: On occasion.

Who will be required or asked to report: Nuclear power plant licensees who operate and maintain an ISFSI under the general license provisions of 10 CFR Part 72, site-specific ISFSI licensees, and CoC holders for spent nuclear fuel dry cask storage designs.

An estimate of the number of annual responses: 109.6 (or approximately 329 responses over three years). This includes 101.6 annual responses + 8 annual recordkeepers.

The estimated number of annual respondents: 46.

An estimate of the total number of hours needed annually to complete the requirement or request: −39 hours (savings of 39 hours)

Abstract: The proposed rule amends Part 72 to clarify the terms for dry spent fuel storage cask designs, or CoCs, and ISFSI licenses. Specifically, the proposed rule changes would allow for longer initial and renewal terms for Part 72 CoCs and licenses, clarify the general license storage term, and clarify the difference between CoC ''reapproval'' and ''renewal.'' In addition, the proposed rule also allows Part 72 general licensees to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC (a ''previously loaded cask'') without NRC approval, provided the cask then conforms to the terms, conditions, and specifications of the amended CoC. Specifically, the draft proposed rule results in changes to information collection requirements in Sections 72.42, 72.212, and 72.240.

The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden 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?

A copy of the Office of OMB clearance package 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. The OMB clearance package and rule are available at the NRC Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html* for 60 days after the signature date of this notice and are also available at *http://www.regulations.gov*.

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the above issues, by October 15, 2009 to the Records and FOIA/Privacy Services Branch (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail to *INFOCOLLECTS.Resource@NRC.GOV* and to the NRC Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0132), Office of Management and Budget, Washington, DC 20503. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

X. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The NRC requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading of this document. The analysis is available for inspection in the NRC PDR, 11555 Rockville Pike, Rockville, MD 20852.

XI. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only nuclear power plant licensees and the manufacturers of dry cask spent fuel storage systems. These entities do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

XII. Backfit Analysis

The NRC has determined that the backfit rule (§§ 50.109, 72.62) does not apply to this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I. These amendments do not require the addition, elimination, or modification of structures, systems, or components of an ISFSI or of the procedures or organization required to operate an ISFSI. Therefore, a backfit analysis is not required.

List of Subjects for 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–10 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.3, add the definition for ''Time-limited aging analyses'' in alphabetical order to read as follows:

§ 72.3 Definitions.

* * * * *

Time-limited aging analyses, for the purposes of this part, means those licensee or certificate holder calculations and analyses that:

(1) Involve structures, systems, and components important to safety within the scope of the license renewal, as delineated in subpart F of this part, or within the scope of the spent fuel storage certificate renewal, as delineated in subpart L of this part, respectively;

(2) Consider the effects of aging;

(3) Involve time-limited assumptions defined by the current operating term, for example, 40 years;

(4) Were determined to be relevant by the licensee or certificate holder in making a safety determination;

(5) Involve conclusions or provide the basis for conclusions related to the capability of structures, systems, and components to perform their intended safety functions; and

(6) Are contained or incorporated by reference in the design bases.

3. In § 72.24, revise the introductory text of paragraph (c) to read as follows:

§ 72.24 Contents of application; Technical information.

* * * * *

(c) The design of the ISFSI or MRS in sufficient detail to support the findings in § 72.40 for the term requested in the application, including:

* * * * *

4. In § 72.42, revise paragraphs (a) and (b) to read as follows:

§ 72.42 Duration of license; renewal.

(a) Each license issued under this part must be for a fixed period of time to be specified in the license. The license term for an ISFSI must not exceed 40 years from the date of issuance. The license term for an MRS must not exceed 40 years from the date of issuance. Licenses for either type of installation may be renewed by the Commission at the expiration of the license term upon application by the licensee for a period not to exceed 40 years and under the requirements of this rule. Application for renewals must include the following:

(1) Time-limited aging analyses that demonstrate that structures, systems, and components important to safety will continue to perform their intended function for the requested period of extended operation; and

(2) A description of the program for management of issues associated with aging that could adversely affect structures, systems, and components important to safety.

(b) Applications for renewal of a license should be filed in accordance with the applicable provisions of subpart B of this part at least two years before the expiration of the existing license. The application must also include design bases information as documented in the most recently updated FSAR as required by § 72.70. Information contained in previous applications, statements, or reports filed with the Commission under the license may be incorporated by reference provided that these references are clear and specific.

* * * * *

5. In § 72.212, revise paragraphs (a)(3) and (b) and add paragraphs (c), (d), and (e) to read as follows:

§ 72.212 Conditions of general license issued under § 72.210.

(a) * * *

(3) The general license for the storage of spent fuel in each cask fabricated under a Certificate of Compliance commences upon the date that the particular cask is first used by the general licensee to store spent fuel and shall not exceed the term certified by the cask's Certificate of Compliance, unless the cask's Certificate of Compliance is renewed, in which case the general license terminates when the cask's Certificate of Compliance expires. In the event that a certificate holder does not apply for a certificate renewal under § 72.240, any cask user or user's representative may apply for a

certificate renewal. If a Certificate of Compliance expires, casks of that design must be removed from service after a storage period not to exceed the term certified by the cask's Certificate of Compliance.

(b) The general licensee must:

(1) Notify the Nuclear Regulatory Commission using instructions in § 72.4 at least 90 days before first storage of spent fuel under this general license. The notice may be in the form of a letter, but must contain the licensee's name, address, reactor license and docket numbers, and the name and means of contacting a person responsible for providing additional information concerning spent fuel under this general license. A copy of the submittal must be sent to the administrator of the appropriate Nuclear Regulatory Commission regional office listed in appendix D to part 20 of this chapter.

(2) Register use of each cask with the Nuclear Regulatory Commission no later than 30 days after using that cask to store spent fuel. This registration may be accomplished by submitting a letter using instructions in § 72.4 containing the following information: the licensee's name and address, the licensee's reactor license and docket numbers, the name and title of a person responsible for providing additional information concerning spent fuel storage under this general license, the cask certificate number, the CoC amendment number to which the cask conforms, unless loaded under the initial certificate, cask model number, and the cask identification number. A copy of each submittal must be sent to the administrator of the appropriate Nuclear Regulatory Commission regional office listed in appendix D to part 20 of this chapter.

(3) Ensure that each cask used by the general licensee conforms to the terms, conditions, and specifications of a CoC or an amended CoC listed in § 72.214.

(4) In applying all the changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC, register each such cask with the Nuclear Regulatory Commission no later than 30 days after applying the changes authorized by the amended CoC. This registration may be accomplished by submitting a letter using instructions in § 72.4 containing the following information: the licensee's name and address, the licensee's reactor license and docket numbers, the name and title of a person responsible for providing additional information concerning spent fuel storage under this general license, the cask certificate number, the CoC amendment number to which the cask conforms, cask model number, and the cask identification number. A copy of each submittal must be sent to the administrator of the appropriate Nuclear Regulatory Commission regional office listed in appendix D to part 20 of this chapter.

(5) Perform written evaluations, before use and before applying the changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC, which establish that:

(i) The cask, once loaded with spent fuel or once the changes authorized by an amended CoC have been applied, will conform to the terms, conditions, and specifications of a CoC or an amended CoC listed in § 72.214;

(ii) Cask storage pads and areas have been designed to adequately support the static and dynamic loads of the stored casks, considering potential amplification of earthquakes through soil-structure interaction, and soil liquefaction potential or other soil instability due to vibratory ground motion; and

(iii) The requirements of § 72.104 have been met. A copy of this record shall be retained until spent fuel is no longer stored under the general license issued under § 72.210.

(6) Review the Safety Analysis Report referenced in the CoC or amended CoC and the related NRC Safety Evaluation Report, prior to use of the general license, to determine whether or not the reactor site parameters, including analyses of earthquake intensity and tornado missiles, are enveloped by the cask design bases considered in these reports. The results of this review must be documented in the evaluation made in paragraph (b)(5) of this section.

(7) Evaluate any changes to the written evaluations required by paragraph (b)(5) of this section, and any changes to the site parameters determination and analyses required by paragraph (b)(6) of this section, using the requirements of § 72.48(c). A copy of this record shall be retained until spent fuel is no longer stored under the general license issued under § 72.210.

(8) Before use of the general license, determine whether activities related to storage of spent fuel under this general license involve a change in the facility Technical Specifications or require a license amendment for the facility pursuant to § 50.59(c)(2) of this chapter. Results of this determination must be documented in the evaluations made in paragraph (b)(5) of this section.

(9) Protect the spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions and requirements as are set forth in the licensee's physical security plan pursuant to § 73.55 of this chapter with the following additional conditions and exceptions:

(i) The physical security organization and program for the facility must be modified as necessary to assure that activities conducted under this general license do not decrease the effectiveness of the protection of vital equipment in accordance with § 73.55 of this chapter.

(ii) Storage of spent fuel must be within a protected area, in accordance with § 73.55(e) of this chapter, but need not be within a separate vital area. Existing protected areas may be expanded or new protected areas added for the purpose of storage of spent fuel in accordance with this general license;

(iii) For the purpose of this general license, personnel searches required by § 73.55(h) of this chapter before admission to a new protected area may be performed by physical pat-down searches of persons in lieu of firearms and explosives detection equipment;

(iv) The observational capability required by § 73.55(i)(3) of this chapter as applied to a new protected area may be provided by a guard or watchman on patrol in lieu of video surveillance technology; and

(v) Each general licensee that receives and possesses power reactor spent fuel and other radioactive materials associated with spent fuel storage shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable; and

(vi) For the purpose of this general license, the licensee is exempt from requirements to interdict and neutralize threats in § 73.55(k) of this chapter.

(10) Review the reactor emergency plan, quality assurance program, training program, and radiation protection program to determine if their effectiveness is decreased and, if so, prepare the necessary changes and seek and obtain the necessary approvals.

(11) Maintain a copy of the CoC and, for those casks to which the licensee has applied the changes of an amended CoC, the amended CoC, and the documents referenced in such Certificates, for each cask model used for storage of spent fuel, until use of the cask model is discontinued. The licensee shall comply with the terms, conditions, and specifications of the CoC and, for those casks to which the licensee has applied the changes of an amended CoC, the terms, conditions, and specifications of the amended CoC.

(12) Accurately maintain the record provided by the cask supplier for each cask that shows, in addition to the

information provided by the cask vendor, the following:

(i) The name and address of the cask vendor or lessor;

(ii) The listing of spent fuel stored in the cask; and

(iii) Any maintenance performed on the cask.

(13) Conduct activities related to storage of spent fuel under this general license only in accordance with written procedures.

(14) Make records and casks available to the Commission for inspection.

(c) The record described in paragraph (b)(12) of this section must include sufficient information to furnish documentary evidence that any testing and maintenance of the cask has been conducted under an NRC-approved quality assurance program.

(d) In the event that a cask is sold, leased, loaned, or otherwise transferred to another registered user, the record described in paragraph (b)(12) of this section must also be transferred to and must be accurately maintained by the new registered user. This record must be maintained by the current cask user during the period that the cask is used for storage of spent fuel and retained by the last user until decommissioning of the cask is complete.

(e) Fees for inspections related to spent fuel storage under this general license are those shown in § 170.31 of this chapter.

6. In § 72.230, revise paragraph (b) to read as follows:

§ 72.230 Procedures for spent fuel storage cask submittals.

* * * * *

(b) Casks that have been certified for transportation of spent fuel under part 71 of this chapter may be approved for storage of spent fuel under this subpart. An application must be submitted in accordance with the instructions contained in § 72.4, for a proposed term not to exceed 40 years. A copy of the CoC issued for the cask under part 71 of this chapter, and drawings and other documents referenced in the certificate, must be included with the application. A safety analysis report showing that the cask is suitable for storage of spent fuel, for the term proposed in the application, must also be included.

* * * * *

7. In § 72.236, revise paragraph (g) to read as follows:

§ 72.236 Specific requirements for spent fuel storage cask approval and fabrication.

* * * * *

(g) The spent fuel storage cask must be designed to store the spent fuel safely for the term proposed in the application, and permit maintenance as required.

* * * * *

8. Revise § 72.238 to read as follows:

§ 72.238 Issuance of an NRC Certificate of Compliance.

A Certificate of Compliance for a cask model will be issued by NRC for a term not to exceed 40 years on a finding that the requirements in § 72.236(a) through (i) are met.

9. Revise § 72.240 to read as follows:

§ 72.240 Conditions for spent fuel storage cask renewal.

(a) The certificate holder may apply for renewal of the design of a spent fuel storage cask for a term not to exceed 40 years. In the event that a certificate holder does not apply for a cask design renewal, any licensee that uses this cask model under the general license issued under § 72.210 may apply for a renewal of that cask design for a term not to exceed 40 years.

(b) The application for renewal of the design of a spent fuel storage cask must be submitted not less than 30 days before the expiration date of the CoC. When the applicant has submitted a timely application for renewal, the existing CoC will not expire until the application for renewal has been determined by the NRC.

(c) The application must be accompanied by a safety analysis report (SAR). The SAR must include the following:

(1) Design bases information as documented in the most recently updated final safety analysis report FSAR as required by § 72.248; and

(2) Time-limited aging analyses that demonstrate that structures, systems, and components important to safety will continue to perform their intended function for the requested period of extended operation; and

(3) A description of the program for management of issues associated with aging that could adversely affect structures, systems, and components important to safety.

(d) The design of a spent fuel storage cask will be renewed if the conditions in subpart G of this part and § 72.238 are met, and the application includes a demonstration that the storage of spent fuel has not, in a significant manner, adversely affected structures, systems, and components important to safety.

Dated at Rockville, Maryland, this 8th day of September 2009.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E9–22126 Filed 9–14–09; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 3

[Docket ID: OCC–2009–0012]

RIN 1557–AD26

FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 225

[Regulations H and Y; Docket No. R–1368]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 325

RIN 3064–AD48

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 567

[No. OTS–2009–0015]

RIN 1550–AC36

Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; and Office of Thrift Supervision, Department of the Treasury.

ACTION: Notice of proposed rulemaking with request for public comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the agencies) are requesting comment on a proposal to modify their general risk-based and advanced risk-based capital adequacy frameworks to eliminate the exclusion of certain consolidated asset-backed commercial paper programs from risk-weighted assets and provide a reservation of authority in their general risk-based and advanced risk-based capital adequacy frameworks to permit the agencies to require banking organizations to treat entities that are

not consolidated under accounting standards as if they were consolidated for risk-based capital purposes, commensurate with the risk relationship of the banking organization to the structure. The agencies are issuing this proposal and request for comment to better align capital requirements with the actual risk of certain exposures and to obtain information and views from the public on the effect on regulatory capital that will result from the implementation of the Financial Accounting Standard Board's (FASB) Statement of Financial Accounting Standards No. 166, *Accounting for Transfers of Financial Assets, an Amendment of FASB Statement No. 140* and Statement of Financial Accounting Standards No. 167, *Amendments to FASB Interpretation No. 46(R).*

DATES: Comments on this notice of proposed rulemaking must be received by October 15, 2009.

ADDRESSES: Comments should be directed to:

OCC: Because paper mail in the Washington, DC area and at the agencies is subject to delay, commenters are encouraged to submit comments by the Federal eRulemaking Portal or e-mail, if possible. Please use the title ''Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues'' 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–2009–0012'' to submit or view public comments and to view supporting and related materials for this proposed rule. 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–2009–0012'' in your comment. In general, the 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 proposed rule 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–2009–0012'' to view public comments for this rulemaking action.
- *Viewing Comments Personally:* You may 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 must present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.
- *Docket:* You may view or request available background documents and project summaries using the methods described above.

Board: You may submit comments, identified by Docket No. R–1368, 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 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 form in Room MP–500 of the Board's Martin Building (20th and C Street, NW.) between 9 a.m. and 5 p.m. on weekdays.

FDIC: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Agency Web site: http://www.FDIC.gov/regulations/laws/federal/propose.html*.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivered/Courier:* 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.
- *E-mail: comments@FDIC.gov*.

Instructions: Comments submitted must include ''FDIC'' and ''RIN 3064–AD48.'' Comments received will be posted without change to *http://www.FDIC.gov/regulations/laws/federal/propose.html*, including any personal information provided.

OTS: You may submit comments, identified by OTS–2009–0015, 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 dropdown menu, then click ''Submit.'' In the ''Docket ID'' column, select ''OTS–2009–0015'' 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.

• *Mail:* Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: OTS–2009–0015.

• *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–2009–0015.

• *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted 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 Electronically:* Go to *http://www.regulations.gov*, under the ''More Search Options'' tab click next to the ''Advanced Document 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–2009–0015'' to view public comments for this notice of proposed rulemaking action.

• *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.

FOR FURTHER INFORMATION CONTACT:

OCC: Paul Podgorski, Risk Expert, Capital Policy Division, (202) 874–4755, or Carl Kaminski, Senior Attorney, 202 874–5405, or Ron Shimabukuro, Senior Counsel, Legislative and Regulatory Activities Division, (202) 874–5090, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Barbara J. Bouchard, Associate Director, (202) 452–3072, or Anna Lee Hewko, (202) 530–6260, Manager, Supervisory Policy and Guidance, Division of Banking Supervision and Regulation; or April C. Snyder, Counsel, (202) 452–3099, or Benjamin W. McDonough, Senior Attorney, (202) 452–2036, Legal Division. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

FDIC: Jim Weinberger, Senior Policy Analyst, (202) 898–7034, Christine Bouvier, Senior Policy Analyst (Bank Accounting), (202) 898–7289, Division of Supervision and Consumer Protection; or Mark Handzlik, Senior Attorney, (202) 898–3990, or Michael Phillips, Counsel, (202) 898–3581, Supervision Branch, Legal Division.

OTS: Teresa A. Scott, Senior Policy Analyst, (202) 906–6478, Capital Risk, Christine Smith, Senior Policy Analyst, (202) 906–5740, Capital Risk, or Marvin Shaw, Senior Attorney, (202) 906–6639, Legislation and Regulation Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

The agencies' regulatory capital regime for banking organizations [1] incorporates both leverage and risk-based measures. The leverage measure [2] uses on-balance sheet assets as the basis for setting capital requirements that are intended to limit the degree to which a banking organization can leverage its equity capital base. The risk-based measures (the general risk-based capital rules [3] and the advanced approaches rules) [4] establish capital requirements intended to reflect the risks associated with on-balance sheet exposures as well as off-balance sheet exposures, such as guarantees, commitments, and derivative transactions. The agencies use generally accepted accounting principles (GAAP), as established by FASB, as the initial basis for determining whether an exposure is treated as on- or off-balance sheet for regulatory capital purposes.

The GAAP treatment for structured finance transactions using a special purpose entity (SPE) generally has been governed by the requirements of Statement of Financial Accounting Standards No. 140, *Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities* (FAS 140) and FASB Interpretation No. 46R, *Consolidation of Variable Interest Entities* (FIN 46(R)).[5] Under FAS 140 (as currently in effect), transfers of assets to an entity that meets the definition of a qualifying special purpose entity (QSPE) are usually recognized as sales, which permits the transferor to remove the assets from its balance sheet.[6] In addition, FIN 46(R) specifically excludes QSPEs from its scope despite the fact that many QSPEs would have otherwise been deemed variable interest entities (VIEs) subject to FIN 46(R) and possible consolidation.

On June 12, 2009, FASB finalized modifications to FAS 140 and FIN 46(R) (the 2009 GAAP modifications) through Statement of Financial Accounting Standards No. 166, *Accounting for Transfers of Financial Assets, an Amendment of FASB Statement No. 140* (FAS 166), and Statement of Financial Accounting Standards No. 167, *Amendments to FASB Interpretation No. 46(R)* (FAS 167). FAS 166 and FAS 167 are effective as of the beginning of a banking organization's first annual financial statement reporting period that begins after November 15, 2009, including interim periods therein, and for interim and annual periods thereafter.[7]

As discussed in further detail below, the 2009 GAAP modifications, among other things, remove the concept of a QSPE from GAAP and alter the consolidation analysis for VIEs, thereby subjecting many VIEs that are not consolidated under current GAAP standards to consolidation requirements. These changes will require some banking organizations to consolidate the assets, liabilities, and equity of certain VIEs onto their balance sheets for financial and regulatory reporting purposes.

II. The 2009 GAAP Modifications

Under FAS 167, a VIE is an entity whose equity investment at risk is insufficient to permit the entity to finance its activities without additional subordinated financial support (for

[1] Unless otherwise indicated, the term ''banking organization'' includes banks, savings associations, and bank holding companies (BHCs).

[2] 12 CFR part 3 (OCC); 12 CFR part 208, appendix B and 12 CFR part 225 appendix D (Board); 12 CFR part 325.3 (FDIC); 12 CFR 567.8 (OTS).

[3] 12 CFR part 3, appendix A (OCC); 12 CFR parts 208 and 225, appendix A (Board); 12 CFR part 325, appendix A (FDIC); and 12 CFR part 567, subpart B (OTS). The risk-based capital rules generally do not apply to bank holding companies with $500 million or less in consolidated assets.

[4] 12 CFR part 3, appendix C (OCC); 12 CFR part 208, appendix F and 12 CFR part 225, appendix G (Board); 12 CFR part 325, appendix D (FDIC); 12 CFR 567, Appendix C (OTS).

[5] Statement of Financial Accounting Standards No. 140 (FASB 2000) and Interpretation No. 46R (FASB 2003). All references made to FASB Statements of Financial Accounting Standards and Interpretations have been or will soon be included in the FASB Accounting Standards Codification that became effective on July 1, 2009.

[6] The transfers are recognized as sales as long as they meet other criteria contained in the 2000 version of FAS 140, as amended. *See* FAS 140, paragraph 9.

[7] *See* relevant provisions in FAS 166 paragraphs 5–7 and FAS 167 paragraphs 7–10.

example, an entity with nominal common equity) and/or whose equity investors do not have rights or obligations with respect to the entity typical of equity investors. For example, a VIE generally exists when the administrators of an entity hold a nominal common equity interest, and debt holders hold the rest of the economic interests in the entity (which frequently are issued in various degrees of subordination). Similarly, an entity is a VIE if its equity holders, as a group, lack the right to make decisions about the entity's activities; the obligation to absorb the expected losses of the entity, or the right to receive the expected residual returns of the entity.[8] Thus, for example, an entity whose debt holders, rather than its common equity holders, have all essential voting rights and the rights to receive all revenue generated by the entity's assets, generally would be a VIE.

Determining whether a specific company is required to consolidate a VIE under FAS 167 depends on a qualitative analysis of whether that company has a ''controlling financial interest'' in the VIE. The analysis focuses on the company's power over and interest in the VIE, rather than on quantitative equity ownership thresholds. A company has a controlling financial interest in a VIE if it has (1) the power to direct matters that most significantly impact the activities of the VIE, including, but not limited to, activities that impact the VIE's economic performance (for example, servicing activities); and (2) either the obligation to absorb losses of the VIE that potentially could be significant to the VIE, or the right to receive benefits from the VIE that potentially could be significant to the VIE, or both.[9]

A company's analysis of whether it must consolidate a VIE must incorporate the above criteria and take into account the company's interest(s) in the VIE and the characteristics of the VIE, including the involvement of other VIE interest holders.[10] FAS 167 also requires a company to conduct ongoing assessments using the above criteria to determine whether a VIE is subject to consolidation.[11]

FAS 166 amends FAS 140 by removing the QSPE concept from GAAP, strengthening the requirements for recognizing the transfer of financial assets to a third party, and requiring companies to make additional disclosures about any continuing involvement they may have in financial assets that they transfer.[12] As a result, a company that transferred financial assets to an SPE that previously met the definition of a QSPE must now evaluate whether it must consolidate the assets, liabilities, and equity of the SPE pursuant to FAS 167. Furthermore, under the additional disclosure requirements in FAS 166, companies must detail in their financial statements their continuing involvement—through recourse or guarantee arrangements, servicing arrangements, or other relationships—in any financial assets that they transfer to an SPE (whether or not a company is required to consolidate the SPE following the transfer). These disclosure requirements apply as long as a transferring company is involved in financial assets that it has transferred.[13]

The 2009 GAAP modifications do not provide for the grandfathering of existing financial structures. Most banking organizations that will be required to consolidate and recognize on their balance sheets many previously unconsolidated VIEs due to the 2009 GAAP modifications will consolidate as of January 1, 2010.[14] These newly consolidated entities will therefore be included in relevant regulatory reports of banking organizations, such as the bank Reports of Condition and Income (Call Reports), the Thrift Financial Report (TFR), and the bank holding company financial statements (FR Y–9C Report). A preliminary analysis of the 2009 GAAP modifications, as well as analysis derived from the agencies' supervisory information, indicates that the categories of off-balance sheet exposures likely to be subject to consolidation on an originating or servicing banking organization's balance sheet include:

- Certain asset-backed commercial paper (ABCP) conduits;
- Revolving securitizations structured as master trusts, including credit card and home equity line of credit (HELOC) securitizations;
- Certain mortgage loan securitizations not guaranteed by the U.S. government or a U.S. government-sponsored agency;
- Certain term loan securitizations in which a banking organization retains a residual interest and servicing rights, including some student loan and automobile loan securitizations; and
- Other SPEs, such as certain tender option bond trusts that were designed as QSPEs.

The 2009 GAAP modifications may also require banking organizations to recognize on their balance sheets certain loan participations and other exposures not related to asset securitization. In addition, banking organizations may need to establish loan loss reserves[15] to cover incurred losses on the assets consolidated pursuant to the 2009 GAAP modifications. Each banking organization must determine which structures and exposures must be consolidated onto its balance sheet, and assess other appropriate adjustments to relevant financial reports, as a result of the 2009 GAAP modifications.

Question 1: Which types of VIEs will banking organizations have to consolidate onto their balance sheets due to the 2009 GAAP modifications, which types are not expected to be subject to consolidation, and why? Which types are likely to be restructured to avoid consolidation?

III. Regulatory Capital and the 2009 GAAP Modifications

The agencies' capital standards generally use GAAP treatment of an exposure as a starting point for assessing regulatory capital requirements for that exposure. For example, if certain assets of a banking organization are transferred to a VIE through a secured financing but remain on the banking organization's balance sheet under GAAP, the VIE's assets are risk-weighted like other consolidated assets. However, if the assets are securitized through sale to a VIE that the banking organization does not consolidate under GAAP, generally the banking organization is required to

[8] FAS 167, appendix D, paragraphs 5 and 6.

[9] *See* FAS 167, appendix D, paragraphs 14 and 14A–14G.

[10] *See* FAS 167, appendix D, paragraphs 14C–14E. If a company determines that power is shared among multiple parties so that no one party is deemed to have a controlling financial interest, it is not required to consolidate the VIE. FAS 167, appendix D, paragraph 14D. It is expected that some VIEs will not be consolidated by any company.

[11] *See* FAS 167 p. ii.

[12] *See* FAS 166, appendix D, paragraphs 16A–17.

[13] *See* FAS 166, appendix D, paragraph 16D. FAS 166 also requires companies to provide periodically additional information about gains and losses resulting from transfers of financial assets. *See id.*, paragraph 17.

[14] It is anticipated that most banking organizations affected by the 2009 GAAP modifications have annual reporting periods starting on January 1 and will implement the new standards on January 1, 2010. However, some banking organizations use different annual reporting periods and will implement the new standards at the beginning of their first fiscal year that starts after November 15, 2009.

[15] Under GAAP, an allowance for loan and lease losses (ALLL) should be recognized when events have occurred indicating that it is probable that an asset has been impaired or that a liability has been incurred as of the balance sheet date and that the amount of the loss can be reasonably estimated. Under the risk-based capital rules, the ALLL is a component of tier 2 capital and, therefore, included in the numerator of the total risk-based capital ratio. However, the amount of ALLL that may be included in tier 2 capital is limited to 1.25 percentage points of gross risk-weighted assets.

hold risk-based capital only against its contractual exposures to the VIE.[16] The contractual exposures may take the form of on-balance sheet exposures such as asset-backed securities and residual interests, and off-balance sheet exposures such as liquidity facilities. The 2009 GAAP modifications generally would increase the amount of exposures recognized on banking organizations' balance sheets. Accordingly, under the agencies' current regulatory capital requirements, the 2009 GAAP modifications generally would result in higher regulatory capital requirements for those banking organizations that must consolidate VIEs.

Under the agencies' leverage capital requirements, tier 1 capital is assessed against a measure of a banking organization's total assets, net of the ALLL and certain other exposures.[17] Therefore, previously unconsolidated assets that now must be recognized on a banking organization's balance sheet due to the 2009 GAAP modifications will increase the denominator of the banking organization's leverage ratio. Although the 2009 GAAP modifications will also affect the numerator of the risk-based and leverage capital ratios, in many cases both the risk-based and leverage capital ratios of affected banking organizations will decrease following implementation of the 2009 GAAP modifications.

The risk-based capital rules specify the components of regulatory capital and recognize variations of risk levels among different exposures through different risk-weight assignments. Although for many years the agencies have used financial information reported under GAAP as the starting point for banking organizations' regulatory reporting requirements,[18] the risk-based capital rules adjust GAAP balance sheet inputs where appropriate to capture an exposure's risk or the ability of elements of capital to absorb loss.[19]

In their consideration of the 2009 GAAP modifications and the interaction of the modifications with the regulatory capital requirements, the agencies have determined that the qualitative analysis required under FAS 167, as well as enhanced requirements for recognizing transfers of financial assets under FAS 166, converge in many respects with the agencies' assessment of a banking organization's risk exposure to a structured finance transaction and other transactions affected by the 2009 GAAP modifications.

In the case of some structures that banking organizations were not required to consolidate prior to the 2009 GAAP modifications, the recent turmoil in the financial markets has demonstrated the extent to which the credit risk exposure of the sponsoring banking organization to such structures (and their related assets) has in fact been greater than the agencies estimated, and more associated with non-contractual considerations than the agencies had expected. For example, recent performance data on structures involving revolving assets[20] show that banking organizations have often provided non-contractual (implicit) support to prevent senior securities of the structure from being downgraded, thereby mitigating reputational risk and the associated alienation of investors, and preserving access to cost-effective funding.

In light of this recent experience, the agencies believe that the broader accounting consolidation requirements implemented by the 2009 GAAP modifications will result in a regulatory capital treatment that more appropriately reflects the risks to which banking organizations are exposed. Additionally, the 2009 GAAP modifications require that a banking organization regularly update its consolidation analysis with respect to VIEs, and the enhanced requirements for recognition of asset transfers and ongoing disclosure requirements for financial assets with which the banking organization maintains some relationship. These requirements are consistent with the agencies' view that the capital treatment of some previously unconsolidated VIEs does not reflect the actual risk to which the banking organization may be exposed.

Question 2: Are there features and characteristics of securitization transactions or other transactions with VIEs, other SPEs, or other entities that are more or less likely to elicit banking organizations' provision of non-contractual (implicit) support under stressed or other circumstances due to reputational risk, business model, or other reasons? Commenters should describe such features and characteristics and the methods of support that may be provided. The agencies are particularly interested in comments regarding credit card securitizations, structured investment vehicles, money market funds, hedge funds, and other entities that are likely beneficiaries of non-contractual support.

The banking agencies have carefully considered the probable effect on banking organizations' regulatory capital ratios that will result from the 2009 GAAP modifications and the possible alignments between these effects and the risk-based principles of the risk-based capital rules. The agencies have also carefully considered the potential financial impact of the 2009 GAAP modifications on banking organizations. As part of this consideration, the agencies reviewed relevant data from banking organizations' public financial filings and regulatory reports as well as information obtained from the supervisory process, including the results of the Supervisory Capital Assessment Program (SCAP). The SCAP evaluated the capital position of the nineteen largest U.S. banking organizations, which are also the banking organizations most involved in asset securitization. As part of the SCAP, participating banking organizations' capital adequacy was assessed using consolidation assumptions consistent with standards ultimately included in FAS 166 and FAS 167.[21]

Having considered this information, including the SCAP results, the agencies do not, at this time, find that a compelling basis exists for modifying their regulatory capital requirements to alter the effect of the 2009 GAAP modifications on banking organizations' minimum regulatory capital

[16] 12 CFR part 3, appendix A, § 4 (OCC); 12 CFR parts 208 and 225, appendix A § III (Board); 12 CFR part 325, appendix A, § II (FDIC); 12 CFR 567.6.

[17] *See* 12 CFR 3.2(a) (OCC); 12 CFR part 208, appendix B § II.b and 12 CFR part 225, appendix D, § II.b (Board); 12 CFR 325.2(m) (FDIC); 12 CFR 567.5(b)(4) (OTS).

[18] Although Federal law requires that the accounting principles applicable to bank ''reports or statements'' be consistent with, or no less stringent than GAAP, it does not require the Federal banking agencies to adhere to GAAP when determining compliance with regulatory capital requirements. *See* 12 U.S.C. 1831n(a)(2) and 12 U.S.C. 1831n(b).

[19] A notable example where the risk-based capital rules differ from GAAP is in the requirement that banking organizations hold capital against the contingent risk of a number of off-balance sheet exposures, such as loan commitments and letters of credit, as well as against the counterparty credit risk of derivatives. As a further example, while GAAP includes goodwill and intangibles in total stockholders' equity, certain of these items are deducted from stockholders' equity when calculating regulatory capital. *See* 12 CFR part 3, appendix A, § 2(c) (OCC); 12 CFR parts 208 and 225, appendix A, §§ II and III.A (Board); 12 CFR part 325, appendix A, §§ I. and II.D. (FDIC); 12 CFR 567.5(a)(1)(v) and 567.5(a)(2) (OTS).

[20] Typical structures of this type include securitizations that are backed by credit card or HELOC receivables, single and multi-seller ABCP conduits, and structured investment vehicles.

[21] A description of the design and implementation of the SCAP can be found at *http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20090424a1.pdf.* Additionally, an overview of the results of the SCAP, including regulatory capital ratios calculated pro forma assuming implementation of the 2009 GAAP modifications, can be accessed at *http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20090507a1.pdf.*

requirements. Furthermore, as discussed above, the banking agencies believe that the capital treatment of many exposures that would be consolidated under the new accounting standards aligns with risk-based capital principles and results in more appropriate risk-based capital charges. The agencies also believe that it is most appropriate for the leverage ratio to continue to reflect the total on-balance sheet assets of a banking organization, in keeping with its role as a supplement to the risk-based capital measure that limits the maximum degree to which a banking organization can leverage its equity capital base.[22]

Question 3: What effect will the 2009 GAAP modifications have on banking organizations' financial positions, lending, and activities? How will the modifications impact lending typically financed by securitization and lending in general? How may the modifications affect the financial markets? What proportion of the impact is related to regulatory capital requirements? Commenters should provide specific responses and supporting data.

Question 4: As is generally the case with respect to changes in accounting rules, the 2009 GAAP modifications would immediately affect banking organizations' capital requirements. The agencies specifically request comment on the impact of immediate application of the 2009 GAAP modifications on the regulatory capital requirements of banking organizations that were not included in the SCAP. In light of the potential impact at this point in the economic cycle of the 2009 GAAP modifications on regulatory capital requirements, the agencies solicit comment on whether there are significant costs and burdens (or benefits) associated with immediate application of the 2009 GAAP modifications to regulatory capital requirements. If there are significant costs and burdens, or other relevant considerations, should the agencies consider a phase-in of the capital requirements that would result from the 2009 GAAP modifications? Commenters should provide specific and detailed rationales and supporting evidence and data to support their positions.

Additionally, if a phase-in of the impact of the GAAP modifications is appropriate, what type of phase-in should be considered? For example, would a phase-in over the course of a four-quarter period, as described below, for transactions entered into on or prior to December 31, 2009, reduce costs or burdens without reducing benefits?

Under a four-quarter phase-in approach, the amount of a newly-consolidated VIE's assets that would be subject to the phase-in would be limited to the aggregate value of the assets held by the entity as of the last day of the fiscal year prior to its implementation of the 2009 GAAP modifications. For most banking organizations, the aggregate value would be calculated as of December 31, 2009.

During such a phase-in, banking organizations would be required to hold capital (for purposes of calculating both the leverage and risk-based capital ratios) incrementally against 25 percent of exposures subject to consolidation due to the 2009 GAAP modifications for each of the first three quarters of 2010, and against 100 percent of the exposures thereafter. For example, if, as a result of the 2009 GAAP modifications, a banking organization would have to consolidate $10 billion of assets associated with transactions entered into on or before December 31, 2009, it would be required to include $2.5 billion of these assets in its regulatory capital ratios the first quarter 2010, $5 billion the second, $7.5 billion the third, and the full $10 billion of assets in the fourth quarter and future reporting periods. During such a phase-in period, the amount of capital that an institution holds against all of its exposures to a single VIE as of December 31, 2009, would not be reduced as a result of this phase-in. For example, if a banking organization is effectively required to hold risk-based capital against all exposures in a VIE due to a provision of implicit recourse, that capital treatment would continue throughout 2010. For another example, if in the first quarter of the phase-in the amount of capital required for a banking organization's credit enhancements to a securitization on December 31, 2009, exceeds the amount of capital required for 25 percent (the first quarter phase-in amount) of the newly consolidated underlying assets, the banking organization would be required to hold the greater amount of capital.

Regulatory capital rules establish only a minimum capital requirement. In all cases, banking organizations should hold capital commensurate with the level and nature of the risks to which they are exposed. Supervisors will review a banking organization's securitization and other structured finance activities on an individual transaction and business-line basis, and may require a banking organization to increase its capital if they conclude that its capital position is not commensurate with its risk.[23]

IV. Asset-Backed Commercial Paper Programs

The agencies propose to eliminate existing provisions in the risk-based capital rules that permit a banking organization, if it is required to consolidate under GAAP an ABCP program that it sponsors, to exclude the consolidated ABCP program assets from risk-weighted assets and instead assess the risk-based capital requirement against any contractual exposures of the organization arising from such ABCP programs.[24] The agencies also propose to eliminate the associated provision in the general risk-based capital rules (incorporated by reference in the advanced approaches) that excludes from tier 1 capital the minority interest in a consolidated ABCP program not included in a banking organization's risk-weighted assets.[25]

The agencies initially implemented these provisions in the general risk-based capital rules in 2004 in response to changes in GAAP that required consolidation of certain ABCP conduits by sponsors. The provisions were driven largely by the agencies' belief at the time that banking organizations sponsoring ABCP conduits generally faced limited risk exposures to ABCP programs, because these exposures generally were confined to the credit enhancements and liquidity facility arrangements banking organizations provide to these programs.[26]

Additionally, the agencies believed previously that operational controls and structural provisions, as well as over-collateralization or other credit enhancements provided by the companies that sell assets into ABCP programs, could further mitigate the risk to which sponsoring banking organizations were exposed. However, in light of the increased incidence of

[22] 12 CFR 3.6(b) and (c) (OCC); 12 CFR part 208, appendix B, § I.a. and 12 CFR part 225, appendix D, § I.a (Board); 12 CFR part 325, appendix B (FDIC); 12 CFR 567.5 (OTS).

[23] 12 CFR part 3.4(b) (OCC); 12 CFR parts 208 and 225, appendix A § I (Board); 12 CFR part 325, appendix A § IIA (FDIC); 12 CFR 567.11 (OTS).

[24] 12 CFR part 3, appendix A, § 3(a)(5) and 12 CFR part 3, appendix C § 42(l) (OCC); 12 CFR part 208, appendix A, § III.B.6.b and appendix F § 42(l) and 12 CFR part 225, appendix A, § III.B.6.b and appendix G § 42(l) (Board); 12 CFR part 325, appendix A, § II.B.6.b and 12 CFR part 325, appendix D, § 424(l) (FDIC); 12 CFR 567.6(a)(2)(vi)(E) and 12 CFR part 567, appendix C, § 42(l) (OTS).

[25] 12 CFR part 3, appendix A, § 2(a)(3)(ii) (OCC); 12 CFR parts 208 and 225, appendix A, § II A.1.c (Board); 12 CFR part 325, appendix A, § I.A.1.(d) (FDIC); 12 CFR 567.5(a)(iii)(OTS). *See* 12 CFR part 3, appendix C § 11(a) (OCC); 12 CFR part 208, appendix F, § 11(a) and 12 CFR part 225, appendix G, § 11(a) (Board); 12 CFR part 325, appendix D, § 11(a) (FDIC); 12 CFR part 567, appendix C, § 11(a) (OTS).

[26] *See* 69 FR 44908 (July 28, 2004).

banking organizations providing non-contractual support to these programs, as well as the general credit risk concerns discussed above, the agencies have reconsidered the appropriateness of excluding consolidated ABCP program assets from risk-weighted assets and have determined that continuing the exclusion is no longer justified. Under the proposal, if a banking organization is required to consolidate an entity associated with an ABCP program under GAAP, it must hold regulatory capital against the assets of the entity. It would not be permitted to calculate its risk-based capital requirements with respect to the entity based on its contractual exposure to the entity.

V. Reservation of Authority

The agencies expect that there may be instances when a banking organization structures a financial transaction with an SPE to avoid consolidation under FAS 166 and FAS 167, and the resulting capital treatment is not commensurate with the actual risk relationship of the banking organization to the entity. Under this proposal, the banking organization's primary Federal supervisor would retain the authority to require the banking organization to treat the entity as if it were consolidated onto the banking organization's balance sheet for risk-based capital purposes.

Question 5: The agencies request comment on all aspects of this proposed rule, including the proposal to remove the exclusion of consolidated ABCP program assets from risk-weighted assets under the risk-based capital rules, the proposed reservation of authority provisions, and the regulatory capital treatment that would result from the 2009 GAAP modifications absent changes to the agencies' regulatory capital requirements.

Question 6: Does this proposal raise competitive equity concerns with respect to accounting and regulatory capital treatments in other jurisdictions or with respect to international accounting standards?

Although the agencies believe that GAAP, as modified, should remain the starting point for calculating regulatory capital ratios and that the capital requirements resulting from the 2009 GAAP modifications generally will result in a more appropriate reflection of credit risk, the agencies recognize that the principles underlying the 2009 GAAP modifications—power, benefits, and obligation to bear losses—and the resulting consolidation treatment, may not in all situations and respects correspond to a treatment that would result from a more pure risk focus.

Question 7: Among the structures that likely will be consolidated under the 2009 GAAP modifications, for which types, if any, should the agencies consider assessing a different risk-based capital requirement than the capital treatment that will result from the implementation of the modifications? How are commenters' views influenced by proposals for reforming the securitization markets that require securitizers to retain a percentage of the credit risk on any asset that is transferred, sold or conveyed through a securitization? Commenters should provide a detailed explanation and supporting empirical analysis of why the features and characteristics of these structure types merit an alternative treatment, how the risks of the structures should be measured, and what an appropriate alternative capital treatment would be. Responses should also discuss in detail with supporting evidence how such different capital treatment may or may not give rise to capital arbitrage opportunities.

Question 8: Servicers of securitized residential mortgages who participate in the Treasury's Making Home Affordable Program (MHAP) receive certain incentive payments in connection with loans modified under the program. If a structure must be consolidated solely due to loan modifications under MHAP, should these assets be included in the leverage and risk-based capital requirements? Commenters should specify the rationale for an alternative treatment and what an appropriate alternative capital requirement would be.

Question 9: Which features and characteristics of transactions that may not be subject to consolidation after the 2009 GAAP modifications become effective should be subject to risk-based capital requirements as if consolidated in order to more appropriately reflect risk?

Question 10: Will securitized loans that remain on the balance sheet be subjected to the same ALLL provisioning process, including comparable loss rates, as similar loans that are not securitized? If the answer is no, please explain. If the answer is yes, how would banking organizations reflect the benefits of risk sharing if investors in securitized, on-balance sheet loans absorb realized credit losses? Commenters should provide quantification of such benefits, and any other effects of loss sharing, wherever possible. Additionally, are there policy alternatives to address any unique challenges the pending change in accounting standards present with regard to the ALLL provisioning process including, for example, the current constraint on the amount of provisions that are includible in tier 2 capital? Commenters should provide quantification of the effects of the current limits on the includibility of provisions in tier 2 capital and the extent to which the 2009 GAAP modifications and the changes in regulatory capital requirements proposed in this NPR affect those limits.

VI. Regulatory Analysis

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), generally requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of a proposed rule on small entities.[27] Under regulations issued by the Small Business Administration,[28] a small entity includes a commercial bank, bank holding company, or savings association with assets of $175 million or less (a small banking organization). As of June 30, 2009, there were approximately 2,533 small bank holding companies, 385 small savings associations, 749 small national banks, 432 small State member banks, and 3,040 small State nonmember banks. As a general matter, the Board's general risk-based capital rules apply only to a bank holding company that has consolidated assets of $500 million or more. Therefore, the proposed changes to the Board's capital adequacy guidelines for bank holding companies will not affect small bank holding companies.

Other than the proposed modifications to the risk-based capital rules that would no longer allow banking organizations to exclude consolidated ABCP programs from risk-weighted assets, the proposed rule does not impose any additional obligations, restrictions, burdens, or reporting, recordkeeping or compliance requirements on banks or savings associations, including small banking organizations, nor does it duplicate, overlap or conflict with other Federal rules. The agencies expect that the proposed modifications to the general risk-based capital rules would not materially affect small banking organizations because they do not sponsor ABCP programs.

Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995

[27] *See* 5 U.S.C. 603(a).

[28] *See* 13 CFR 121.201.

(44 U.S.C. 3506), the agencies have reviewed the proposed rule. The Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget. The agencies note that instructions related to ABCP conduits in schedule RC–R of the Consolidated Reports of Condition and Income (OMB Nos. 7100–0036, 1557–0081, and 3064–0052; FFIEC 031 and 041) and schedule HC–R of the Consolidated Financial Statements for Bank Holding Companies (OMB No. 7100–0128; FR Y–9C) would need to be revised under the proposal. The agencies, however, do not believe that there would be any additional burden associated with these instructional changes as they would be in accordance with GAAP.

OCC/OTS Executive Order 12866

Executive Order 12866 requires Federal agencies to prepare a regulatory impact analysis for agency actions that are found to be ''significant regulatory actions.'' Significant regulatory actions include, among other things, rulemakings that ''have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities.'' The OCC and the OTS each determined that its portion of the proposed rule is not a significant regulatory action under Executive Order 12866.

OCC/OTS Unfunded Mandates Reform Act of 1995 Determination

The Unfunded Mandates Reform Act of 1995 [29] (UMRA) requires that an agency 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 (adjusted annually for inflation) in any one year. If a budgetary impact statement is required, section 205 of the UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC and the OTS each have determined that its proposed rule will not result in expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, neither the OCC nor the OTS has prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

[29] *See* Public Law 104–4.

Solicitation of Comments on Use of Plain Language

Section 722 of the GLBA required the agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies invite comment on how to make this proposed rule easier to understand. For example:

- Have the agencies organized the material to suit your needs? If not, how could they present the rule more clearly?
- Are the requirements in the rule clearly stated? If not, how could the rule be more clearly stated?
- Do the regulations contain technical 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 would achieve that?
- Is this section format adequate? If not, which of the sections should be changed and how?
- What other changes can the agencies incorporate to make the regulation easier to understand?

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Banks, Banking, Capital, National banks, Reporting and recordkeeping requirements, Risk.

12 CFR Part 208

Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Risk.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 325

Administrative practice and procedure, Banks, banking, Capital adequacy, Reporting and recordkeeping requirements, Savings associations, State nonmember banks.

12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Risk, Savings associations.

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons stated in the common preamble, the Office of the Comptroller of the Currency proposes to amend Part 3 of chapter I of Title 12, Code of Federal Regulations as follows:

PART 3—MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

1. The authority citation for part 3 continues to read as follows:

Authority: 12 U.S.C. 93a, 161, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, and 3909.

2. Section 3.4 is amended by adding paragraph (c) to read as follows:

§ 3.4 Reservation of authority.

* * * * *

(c) The OCC may find that that the capital treatment for an exposure not subject to consolidation on the bank's balance sheet does not appropriately reflect the risks imposed on the bank. Accordingly, the OCC may require the bank to treat the exposure as if it were consolidated onto the bank's balance sheet for the purpose of determining compliance with the bank's minimum risk-based capital requirements set forth in Appendix A or Appendix C to this Part. The OCC will look to the substance of and risk associated with the transaction as well as other relevant factors the OCC deems appropriate in determining whether to require such treatment and in determining the bank's compliance with minimum risk-based capital requirements.

3. In appendix A to Part 3:

A. In section 2, remove and reserve paragraph (a)(3)(ii),

B. In section 3, remove and reserve paragraph (a)(5),

C. Revise paragraph (a)(6).

The revision reads as follows:

Appendix A to Part 3—Risk Based Capital Guidelines

* * * * *

Section 3. * * *

* * * * *

(a) * * *

(6) *Other variable interest entities subject to consolidation.* If a bank is required to consolidate the assets of a variable interest entity under generally accepted accounting principles, the bank must assess a risk-based capital charge based on the appropriate risk weight of the consolidated assets in accordance with sections 3(a) and 4 of this appendix A. Any direct credit substitutes and recourse obligations (including residual

interests), and loans that a bank may provide to such a variable interest entity are not subject to any capital charge under section 4 of this appendix A.

4. In appendix C to Part 3:

A. In section 1, redesignate paragraph (c)(3) as paragraph (c)(4),

B. Add a new paragraph (c)(3),

C. Remove section 42(l) and redesignate section 42(m) as section 42(l)

The additions and revisions read as follows:

Appendix C to Part 3—Capital Adequacy Guidelines for Banks: Internal-Ratings-Based and Advanced Measurement Approaches

* * * * *

Section 1. * * *

(c) * * *

(3) *Regulatory capital treatment of unconsolidated entities.* If the OCC determines that the capital treatment for a banking organization's exposure or other relationship to an entity not consolidated on the bank's balance sheet is not commensurate with the actual risk relationship of the banking organization to the entity, for risk-based capital purposes, it may require the banking organization to treat the entity as if it were consolidated onto the bank's balance sheet and require the bank to hold capital against the entity's exposures. The OCC will look to the substance of and risk associated with the transaction as well as other relevant factors the OCC deems appropriate in determining whether to require such treatment and in determining the bank's compliance with minimum risk-based capital requirements. In making a determination under this paragraph, the OCC will apply notice and response procedures in the same manner and to the same extent as the notice and response procedures in 12 CFR 3.12.

* * * * *

Board of Governors of the Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons stated in the common preamble, the Board of Governors of Federal Reserve System amends parts 208 and 225 of Chapter II of title 12 of the Code of Federal Regulations as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

5. The authority for part 208 continues 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, 1818, 1820(d)(9), 1833(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, and 3905–3909; 15 U.S.C. 78b, 78I(b), 78l(i),780–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

6. In appendix A to part 208:

A. Amend section I by adding a new paragraph immediately prior to the last undesignated paragraph,

B. Amend paragraph (c) of section II.A.1 by removing the last sentence,

C. Remove paragraph (b) of section III.B.6 and redesignate paragraph (c) of section III.B.6 as paragraph (b).

The addition reads as follows:

Appendix A to Part 208—Capital Adequacy Guidelines for State Member Banks: Risk-Based Measure

I. * * *

If the Federal Reserve determines that the capital treatment for a bank's exposure or other relationship to an entity not consolidated on the bank's balance sheet is not commensurate with the actual risk relationship of the bank to the entity, for risk-based capital purposes, it may require the bank to treat the entity as if it were consolidated onto the bank's balance sheet and require the bank to hold capital against the entity's exposures.

* * * * *

7. In appendix F to part 208:

A. Redesignate paragraph (c)(3) as (c)(4) and add a new paragraph (c)(3);

B. Remove section 42(l) and redesignate section 42(m) as section 42(l).

The addition reads as follows:

Appendix F to Part 208—Capital Adequacy Guidelines for Banks: Internal-Ratings-Based and Advanced Measurement Approaches

* * * * *

Section 1. * * *

(c) * * *

(3) *Regulatory capital treatment of unconsolidated entities.* If the Federal Reserve determines that the capital treatment for a bank's exposure or other relationship to an entity not consolidated on the bank's balance sheet is not commensurate with the actual risk relationship of the bank to the entity, for risk-based capital purposes, it may require the bank to treat the entity as if it were consolidated onto the bank's balance sheet and require the bank to hold capital against the entity's exposures.

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

8. The authority for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

9. In appendix A to part 225,

A. Amend section I by adding the following paragraph immediately prior to the last undesignated paragraph,

B. Amend paragraph (iii) of section II.A.1.c by removing the last sentence,

C. Remove paragraph (b) of section III.B.6 and redesignate paragraph (c) of section III.B.6 as paragraph (b).

Appendix A to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Risk-Based Measure

I. * * *

If the Federal Reserve determines that the capital treatment for a banking organization's exposure or other relationship to an entity not consolidated on the banking organization's balance sheet is not commensurate with the actual risk relationship of the banking organization to the entity, for risk-based capital purposes, it may require the banking organization to treat the entity as if it were consolidated onto the banking organization's balance sheet and require the banking organization to hold capital against the entity's exposures.

* * * * *

10. In appendix G to part 225,

A. In section 1, redesignate paragraph (c)(3) as paragraph (c)(4) and add a new paragraph (c)(3),

B. Remove section 42(l) and redesignate section 42(m) as section 42(l).

The added text will read as follows:

Appendix F to Part 208—Capital Adequacy Guidelines for Banks: Internal-Ratings-Based and Advanced Measurement Approaches

* * * * *

1. * * *

(c) * * *

(3) Regulatory capital treatment of unconsolidated entities. If the Federal Reserve determines that the capital treatment for a banking organization's exposure or other relationship to an entity not consolidated on the banking organization's balance sheet is not commensurate with the actual risk relationship of the banking organization to the entity, for risk-based capital purposes, it may require the banking organization to treat the entity as if it were consolidated onto the banking organization's balance sheet and require the banking organization to hold capital against the entity's exposures.

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority for Issuance

For the reasons stated in the common preamble, the Federal Deposit Insurance Corporation amends Part 325 of Chapter III of Title 12, Code of the Federal Regulations as follows:

PART 325—CAPITAL MAINTENANCE

11. The authority citation for part 325 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790, (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note).

12. In Appendix A to part 325,

A. Revise section I.A.1.(d);

B. Amend section II.A. by adding a new paragraph 4;

C. Remove section II.B.6.b. and redesignate section II.B.6.c. as section II.B.6.b.

The added text to read as follows:

Appendix A to Part 325—Statement of Policy on Risk Based Capital

* * * * *

I. * * *

A. * * *

1. * * * * *

(d) Minority interests in small business investment companies, investment funds that hold nonfinancial equity investments (as defined in section II.B.(6)(ii) of this appendix A), and subsidiaries that are engaged in non-financial activities are not included in the bank's Tier 1 or total capital base if the bank's interest in the company or fund is held under one of the legal authorities listed in section II.B.(6)(ii) of this appendix A.

* * * * *

II. * * *

A. * * * * *

4. The Director of the Division of Supervision and Consumer Protection (DSC) may, on a case-by-case basis, determine that the regulatory capital treatment for an exposure to a transaction that is not subject to consolidation on the balance sheet is not commensurate with the risk of the exposure and the relationship of the bank to the transaction. In making this determination, the Director of DSC may require the bank to treat the transaction as if it were consolidated on the balance sheet of the bank for regulatory capital purposes and calculate the appropriate regulatory capital ratios accordingly.

* * * * *

13. In Appendix D to part 325,

A. Amend section 1(c) by redesignating paragraph (c)(3) as paragraph (c)(4) and adding a new paragraph (c)(3);

B. Remove section 42(l) and redesignate section 42(m) as section 42(l)

The added text should read as follows:

Appendix D to Part 325—Capital Adequacy Guidelines for Banks: Internal-Ratings-Based and Advanced Measurement Approaches

* * * * *

Section 1. * * *

(c) * * *

(3) The FDIC may, on a case-by-case basis, determine that the regulatory capital treatment for an exposure to a transaction that is not subject to consolidation on the balance sheet is not commensurate with the risk of the exposure and the relationship of the bank to the transaction. In making this determination, the FDIC may require the bank to treat the transaction as if it were consolidated on the balance sheet of the bank for regulatory capital purposes and calculate the appropriate regulatory capital ratios accordingly.

* * * * *

Department of the Treasury

Office of Thrift Supervision

12 CFR Chapter V

For reasons set forth in the common preamble, the Office of Thrift Supervision amends part 567 of Chapter V of title 12 of the Code of Federal Regulations as follows:

PART 567—CAPITAL

14. The authority for citation for part 567 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note)

15. In § 567.5 revise paragraph (a)(1)(iii) to read as follows:

§ 567.5 Components of capital.

(a) * * *

(1) * * *

(iii) Minority interests in the equity accounts of the subsidiaries that are fully consolidated.

* * * * *

16. In Section 567.6

A. Remove paragraphs (a)(2)(vi)(E)(3)(i) and (ii);

B. Redesignate (a)(2)(vi)(E)(3)(iii) as (a)(2)(vi)(E)(3).

17. In Section 567.11

A. Redesignate paragraph (c)(3) as paragraph (c)(4) and add a new paragraph (c)(3);

B. Add paragraph (d).

The added text reads as follows:

§ 567.11 Reservation of authority.

* * * * *

(c) * * *

(3) OTS may find that the capital treatment for an exposure to a transaction not subject to consolidation on the savings association's balance sheet does not appropriately reflect the risks imposed on the savings association. Accordingly, OTS may require the savings association to treat the transaction as if it were consolidated on the savings association's balance sheet. OTS will look to the substance of and risk associated with the transaction as well as other relevant factors in determining whether to require such treatment and in calculating regulatory capital as OTS deems appropriate.

* * * * *

(d) In making a determination under this paragraph (c) of this section, the OTS will notify the savings association of the determination and solicit a response from the savings association. After review of the response by the savings association, the OTS shall issue a final supervisory decision regarding the determination made under paragraph (c) of this section.

18. In Appendix C to part 567, Section 1, redesignate paragraph (c)(3) as paragraph (c)(4) to read as follows:

Appendix C to Part 567—Risk-Based Capital Requirements—Internal Ratings-Based and Advanced Measurement Approaches

* * * * *

(c) * * *

(3) *Regulatory capital treatment of unconsolidated entities.* OTS may find that the capital treatment for an exposure to a transaction not subject to consolidation on the savings association's balance sheet does not appropriately reflect the risks imposed on the savings association. Accordingly, OTS may require the savings association to treat the transaction as if it were consolidated on the savings association's balance sheet. OTS will look to the substance of and risk associated with the transaction as well as other relevant factors in determining whether to require such treatment and in calculating regulatory capital as OTS deems appropriate.

(4) *Other supervisory authority.* Nothing in this appendix limits the authority of the OTS under any other provision of law or regulation to take supervisory or enforcement action, including action to address unsafe or unsound practices or conditions, deficient capital levels, or violations of law.

* * * * *

Appendix C to Part 567—[Amended]

19. In appendix C to part 567 remove section 42(l) and redesignate section 42(m) as section 42(l).

By order of the Board of Governors of the Federal Reserve System.

Jennifer J. Johnson,

Secretary of the Board.

Dated: Washington, DC, this 27th day of August 2009.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

John C. Dugan,

Comptroller of the Currency.

Dated: August 31, 2009.

By the Office of Thrift Supervision.

John E. Bowman,

Acting Director.

[FR Doc. E9–21497 Filed 9–14–09; 8:45 am]

BILLING CODE 6210–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0788; Directorate Identifier 2009–NM–193–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 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 certain Boeing Model 737–300, –400, and –500 series airplanes. This proposed AD would require repetitive external non-destructive inspections to detect cracks in the fuselage skin along the chem-mill step at stringers S–1 and S–2 right, between station (STA) 827 and STA 847, and repair if necessary. This proposed AD results from a report of a hole in the fuselage skin common to stringer S–1 and S–2 left, between STA 827 and STA 847 on an airplane that diverted to an alternate airport due to cabin depressurization. We are proposing this AD to detect and correct fatigue cracking of the fuselage skin panels at the chem-milled steps, which could result in sudden fracture and failure of the fuselage skin panels, and consequent rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by October 30, 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 proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com*; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0788; Directorate Identifier 2009–NM–193–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received one report from an operator of a hole in the fuselage skin common to stringer S–1 and S–2 left, between station (STA) 827 and STA 847. The crack started along the chem-mill edge along stringer S–1. The airplane skin in the area had 20-inch tear strap bays, and a structural full pad up doubler provision for an emergency locator transmitter (ELT) antenna at this location. The airplane diverted to an alternate airport due to cabin depressurization and subsequent deployment of the oxygen masks. The airplane had accumulated 42,569 total flight cycles. The cause of the fatigue cracking is under investigation. Airplanes with 10-inch tear strap bays are also susceptible to cracks at this location. This condition, if not corrected, could result in sudden fracture and failure of the fuselage skin panels, and consequent rapid decompression of the airplane.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009. The service bulletin describes procedures for repetitive external non-destructive inspections (NDI) to detect cracks in the fuselage skin along the chem-mill step at stringers S–1 and S–2 right, between STA 827 and STA 847, and contacting Boeing for repair instructions. The NDI inspections that can be used are medium frequency eddy current, magneto optical imaging, or c-scan. The service bulletin specifies that it is not necessary to inspect the chem-mill steps under an existing repair doubler provided all of the following apply:

- The repair was installed after the release date of the service bulletin;
- The repair was approved by the FAA or by a Boeing Company Authorized Representative who was authorized by the FAA to make such findings; and
- The repair extends a minimum of three rows of fasteners on each side of the chem-mill line in the circumferential direction.

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 accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the Proposed AD and the Service Bulletin.''

Operators should note that paragraph (i) of this AD specifies certain conditions for terminating the repetitive

inspections required by this AD for a repaired area only. One of those conditions is that the external repair doubler be installed after September 3, 2009. This is the date Boeing Service Bulletin 737–53A1301 became available to operators to address the identified unsafe condition. In any case, an initial inspection, as required by paragraph (g) of this AD, must still be accomplished.

Differences Between the Proposed AD and the Service Bulletin

Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Interim Action

We consider this proposed AD interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

We estimate that this proposed AD would affect 135 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Inspection	2	$80	$160, per inspection cycle	135	$21,600, per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. FAA–2009–0788; Directorate Identifier 2009–NM–193–AD.

Comments Due Date

(a) We must receive comments by October 30, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–300, –400, and –500 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009.

Subject

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

Unsafe Condition

(e) This AD results from a report of a hole in the fuselage skin common to stringer S–1 and S–2 left, between STA 827 and STA 847 on an airplane that diverted to an alternate airport due to cabin depressurization and subsequent deployment of the oxygen masks. We are issuing this AD to detect and correct fatigue cracking of the fuselage skin panels at the chem-milled steps, which could result in sudden fracture and failure of the fuselage skin panels, and consequent rapid decompression 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.

Initial and Repetitive Inspections

(g) Before the accumulation of 35,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later: Except as provided by paragraph (i) of this AD, do an external non-destructive inspection (NDI) to detect cracks in the fuselage skin along the chem-mill steps at stringers S–1 and S–2 right, between STA 827 and STA 847, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009. If no cracking is found, repeat the inspection thereafter at intervals not to exceed 500 flight cycles, except as provided by paragraph (i) of this AD.

Repair

(h) If any crack is found during any inspection required by this AD, and Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009, specifies to contact Boeing for repair instructions: Before further flight, repair the crack using a method

approved in accordance with the procedures specified in paragraph (j) of this AD.

Optional Terminating Action for Repetitive Inspections

(i) Installing an external repair doubler along the chem-milled steps at stringers S–1 and S–2 right, between STA 827 and STA 847, constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD for the repaired area only, provided all of the conditions specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD are met. The initial inspection required by paragraph (g) of this AD must be accomplished.

(1) The repair is installed after September 3, 2009;

(2) The repair was approved by the FAA or by a Boeing Company Authorized Representative who was authorized by the FAA to make such findings; and

(3) The repair extends a minimum of three rows of fasteners on each side of the chem-mill line in the circumferential direction.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590. Or, e-mail information to *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

Issued in Renton, Washington, on September 4, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–22081 Filed 9–14–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2009–0700; Airspace Docket No. 09–AWP–4]

RIN 2120–AA66

Proposed Modification of Restricted Areas and Other Special Use Airspace; Fallon, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the time of designation and using agency of nine restricted areas located in the vicinity of the Fallon Naval Air Station (NAS), Fallon, NV, as part of a Department of the Navy initiative to standardize the operating hours throughout the Fallon Airspace Complex. The times of use are being expanded to meet the critical need of the Navy for additional nighttime training, and the using agency changes are administrative in accordance with a Navy realignment of functions. Additionally, this action would modify the times of use of the four military operation areas (MOAs) in the Fallon Airspace Complex. Unlike restricted areas, which are designated under 14 CFR part 73, MOAs are not rulemaking airspace actions. However, since the MOAs form an integral part of the Fallon Airspace Complex the FAA is also seeking comment on the proposed MOA changes through this NPRM. The MOA changes described here will also be published in the National Flight Data Digest (NFDD). The Navy requested these airspace changes to provide additional night training time to meet combat readiness requirements currently being carried out in accordance with 14 CFR 99.7.

DATES: Comments must be received on or before October 30, 2009.

ADDRESSES: Send comments on the proposal to the U.S. Department of Transportation, Dockets Operations, M–30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA docket No. FAA–2009–0700 and Airspace Docket No. 09–AWP–4, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2009–0700 and Airspace Docket No. 09–AWP–4) and be submitted in triplicate to the Federal Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2009–0700 and Airspace Docket No. 09–AWP–4.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and

phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055.

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

Background

The Fallon Airspace Complex consists of nine restricted areas and four MOAs in the vicinity of the Fallon NAS, NV. Restricted areas are regulatory airspace designations, under Title 14 Code of Federal Regulations (CFR) part 73, which are established to confine or segregate activities considered hazardous to non-participating aircraft. A MOA is a non-rulemaking type of special use airspace (SUA) established to separate or segregate certain non-hazardous military flight activities from aircraft operating in accordance with instrument flight rules (IFR), and to identify for visual flight rules (VFR) pilots where those activities are conducted. IFR aircraft may be routed through an active MOA only when air traffic control can provide approved separation from the MOA activity. VFR pilots are not restricted from flying in an active MOA, but are advised to exercise caution while doing so.

Unlike restricted areas, which are designated through rulemaking procedures, MOAs are non-rulemaking airspace areas that are established administratively and published in the NFDD. Normally, MOA proposals are not published in an NPRM, but instead, are advertised for public comment through a nonrule circular that is distributed by an FAA Service Center office to aviation interests in the affected area. However, when a non-rulemaking action is connected to a rulemaking action, FAA procedures allow for the non-rulemaking proposal to be included in the NPRM. In such cases, the NPRM replaces the nonrule circularization requirement. Because the proposed MOAs are an integral part of the Fallon Airspace Complex, they are being included in this NPRM.

Approximately eighty percent of the current combat missions are flown at night. It is critical that forces train in realistic environments and the current times of use of the Fallon Airspace Complex does not adequately support the Navy's needs.

The proposed SUA changes are described in the following sections.

Proposed MOA Changes

Churchill Low MOA, NV

Times of use. 0715 to 2245 Monday through Friday and 0800 to 1800 Saturday; other times by NOTAM.

Churchill High MOA, NV

Times of use. 0715 to 2245 Monday through Friday and 0800 to 1800 Saturday; other times by NOTAM.

Ranch High MOA, NV

Times of use. 0715 to 2245 Monday through Friday and 0800 to 1800 Saturday; other times by NOTAM.

Ranch MOA, NV

Times of use. 0715 to 2245 Monday through Friday and 0800 to 1800 Saturday; other times by NOTAM.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to modify the designated times of use to restricted areas R–4803, Fallon; R–4804A & B, Twin Peaks; R–4810, Desert Mountain; R–4812, Sand Springs; R–4813A & B, Carson Sink; and R–4816 North & South, Dixie Valley, NV. These changes are part of the Fallon NAS proposal. Specifically, the FAA is proposing changing the current wording to include the phrase ''other times by NOTAM''. This would allow the Navy to train between 2330 hours and 0715 hours local to meet their training requirements. The Navy is currently meeting these night training requirements in accordance with 14 CFR 99.7, Special Security Instructions. This action also would reflect the using agency name change to USN, Naval Strike and Air Warfare Center, Fallon, NV.

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

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

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it proposes to modify restricted area airspace at Fallon NAS, Fallon, NV.

Environmental Review

This proposal will be subjected to the appropriate environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.48 [Amended]

2. 73.48 is amended as follows:

* * * * *

R–4803 Fallon, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM.

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

R–4804A Twin Peaks, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM.

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

R–4804B Twin Peaks, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. Intermittent by NOTAM 0715 to 2330 local time daily; other times by NOTAM.

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

* * * * *

R–4810 Desert Mountains, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

* * * * *

R–4812 Sand Springs, NV [Amended]

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

R–4813A Carson Sink, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

R–4813B Carson Sink, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. Intermittent by NOTAM 0715 to 2330 local time daily; other times by NOTAM.

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

R–4816N Dixie Valley, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

R–4816S Dixie Valley, NV [Amended]

* * * * *

By removing the current times of designation and using agency and substituting the following:

Time of designation. 0715 to 2330 local time daily; other times by NOTAM

Using agency. USN, Naval Strike and Air Warfare Center, Fallon, NV.

* * * * *

Issued in Washington, DC, on September 2, 2009.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E9–22139 Filed 9–14–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–127270–06]

RIN 1545–BF81

Damages Received on Account of Personal Physical Injuries or Physical Sickness

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the exclusion from gross income for amounts received on account of personal physical injuries or physical sickness. The proposed regulations reflect amendments under the Small Business Job Protection Act of 1996. The proposed regulations also delete the requirement that to qualify for exclusion from gross income, damages received from a legal suit, action, or settlement agreement must be based upon ''tort or tort type rights.'' The proposed regulations affect taxpayers receiving damages on account of personal physical injuries or physical sickness and taxpayers paying these damages.

DATES: Written (paper or electronic) comments must be received by December 14, 2009.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–127270–06), room 5203, Internal Revenue Service, Post Office Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–127270–06), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–127270–06).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Sheldon A. Iskow, (202) 622–4920 (not a toll-free number); concerning the submission of comments and/or requests for a public hearing, Richard Hurst at *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) to reflect amendments made to section 104(a)(2) of the Internal Revenue Code (Code) by section 1605(a) and (b) of the Small Business Job Protection Act of 1996, Public Law 104–188, (110 Stat. 1838 (the 1996 Act)), and to delete the ''tort or tort type rights'' test under § 1.104–1(c) of the Income Tax Regulations.

As amended, section 104(a)(2) excludes from gross income the amount of any damages (other than punitive damages) received (whether by suit or agreement and whether as lump sums or as periodic payments) on account of personal physical injuries or physical sickness. These proposed regulations conform the regulations to these statutory amendments and clarify the changes for taxpayers and practitioners.

1. The 1996 Act Amendments

Section 1605(a) of the 1996 Act amended section 104(a)(2) to provide expressly that punitive damages do not qualify for the income exclusion. The amendment was a response to divergent court opinions, some holding that punitive damages are received ''on account of'' a personal injury. See H.R. Conf. Rept. 104–737 (1996) at 301. The amendment is consistent with *O'Gilvie* v. *United States,* 519 U.S. 79 (1996), holding that punitive damages are not compensation for personal injuries and do not satisfy the ''on account of'' test under section 104(a)(2).

Section 1605(a) also amended section 104(a)(2) to provide that the income exclusion generally is limited to amounts received on account of personal ''physical'' injuries or ''physical'' sickness. Section 1605(b) of the 1996 Act further amended section 104(a) to provide that, for purposes of section 104(a)(2), even though emotional distress is not considered a physical injury or a physical sickness, damages not in excess of the amount paid for ''medical care'' (described in section 213(d)(1)(A) or (B)) for emotional distress are excluded from income.

The proposed regulations reflect these statutory amendments. The proposed regulations also provide that a taxpayer may exclude damages received for emotional distress ''attributable'' to a physical injury or physical sickness. See H.R. Conf. Rept. 104–737 (1996) at 301.

2. The Tort Type Rights Test

The proposed regulations also eliminate the requirement that ''personal injuries or sickness'' be ''based upon tort or tort type rights.'' That requirement in § 1.104–1(c) was intended to ensure that only damages compensating for torts and similar personal injuries qualify for exclusion under section 104(a)(2). In *United States* v. *Burke,* 504 U.S. 229 (1992), the Supreme Court interpreted the tort type rights test as limiting the section 104(a)(2) exclusion to damages for personal injuries for which the full range of tort-type remedies is available. The Court held that section 104(a)(2) did not apply to an award of back pay under the pre-1991 version of Title VII of the 1964 Civil Rights Act because the damages awarded under the statute provided only a narrow remedy and thus did not compensate for a tort type injury. The *Burke* interpretation precluded section 104(a)(2) treatment for similar personal injuries redressed by ''no-fault'' statutes that do not provide traditional tort-type remedies. Many critics thought the *Burke* remedies test was too restrictive.

Later legislative and judicial developments eliminated the need to base the section 104(a)(2) exclusion on tort and remedies concepts. First, *Commissioner* v. *Schleier,* 515 U.S. 323 (1995), interpreted the statutory ''on account of'' test as excluding only damages directly linked to ''personal'' injuries or sickness. Second, the 1996 Act restricts the exclusion to damages for ''personal physical'' injuries or ''physical sickness.''

Accordingly, under the proposed regulations, damages for physical injuries may qualify for the section 104(a)(2) exclusion even though the injury giving rise to the damages is not defined as a tort under state or common law. Nor does the section 104(a)(2) exclusion depend on the scope of remedies available under state or common law. In effect, the regulations reverse the result in *Burke* by allowing the exclusion for damages awarded under no-fault statutes.

Proposed Effective/Applicability Date

These regulations are proposed to apply to damages paid pursuant to a written binding agreement, court decree, or mediation award entered into or issued after September 13, 1995, and received after the date these regulations are published as final regulations in the **Federal Register**. However, taxpayers may apply these proposed regulations to amounts paid pursuant to a written binding agreement, court decree, or mediation award entered into or issued after September 13, 1995, and received after August 20, 1996. If applying the proposed regulations to damages received after August 20, 1996, results in an overpayment of tax, the taxpayer may file a claim for refund within the period of limitations under section 6511.

Notwithstanding the date these regulations are proposed to become effective, the 1996 Act amendments to section 104(a)(2), including the amendment restricting the exclusion to amounts received on account of personal physical injuries or physical sickness, are effective for amounts received after August 20, 1996, except for any amount received under a written binding agreement, court decree, or mediation award in effect on (or issued on or before) September 13, 1995. Since the 1996 Act amendments, courts have applied the statutory effective date in holding that amounts received on account of nonphysical injuries are not excludable. *Hennessey* v. *Commissioner,* T.C. Memo 2009–132; *Green* v. *Commissioner,* T.C. Memo 2007–39. These regulations propose to conform existing regulations to amended section 104(a)(2). To the extent that existing regulations conflict with amended section 104(a)(2), the statute controls. See *Murphy* v. *Internal Revenue Service,* 493 F.3d 170, 176 n* (D.C. Cir. 2007).

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (either a signed paper original with eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and the Treasury Department specifically request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Sheldon A. Iskow of the Office of Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.104–1, paragraph (c) is revised to read as follows:

§ 1.104–1 Compensation for injuries or sickness.

* * * * *

(c) *Damages received on account of personal physical injuries or physical sickness*—(1) *In general.* Section 104(a)(2) excludes from gross income the amount of any damages (other than punitive damages) received (whether by suit or agreement and whether as lump sums or as periodic payments) on account of personal physical injuries or physical sickness. Emotional distress is not considered a physical injury or physical sickness. However, damages for emotional distress attributable to a physical injury or physical sickness are excluded from income under section 104(a)(2). Section 104(a)(2) also excludes damages not in excess of the amount paid for medical care (described in section 213(d)(1)(A) or (B)) for emotional distress. For purposes of this paragraph (c), the term *damages* means an amount received (other than workers' compensation) through prosecution of a legal suit or action, or through a settlement agreement entered into in lieu of prosecution.

(2) *Cause of action and remedies.* The section 104(a)(2) exclusion may apply to damages recovered for a physical personal injury or sickness under a statute, even if that statute does not provide for a broad range of remedies. The injury need not be defined as a tort under state or common law.

(3) *Effective/applicability date.* This paragraph (c) applies to damages paid pursuant to a written binding agreement, court decree, or mediation award entered into or issued after September 13, 1995, and received after the date these regulations are published as final regulations in the **Federal Register**. Taxpayers also may apply these proposed regulations to damages paid pursuant to a written binding agreement, court decree, or mediation award entered into or issued after September 13, 1995, and received after August 20, 1996. If applying these proposed regulations to damages received after August 20, 1996, results in an overpayment of tax, the taxpayer may file a claim for refund before the period of limitations under section 6511 expires.

Notwithstanding the date these regulations are proposed to become effective, the statutory amendments to section 104(a) under section 1605 of the Small Business Job Protection Act of 1996, Public Law 104–188, (110 Stat. 1838), are effective for amounts received after August 20, 1996, except for any amount received under a written binding agreement, court decree, or mediation award in effect on (or issued on or before) September 13, 1995.

* * * * *

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E9–22221 Filed 9–14–09; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2008–0690; FRL–8956–7]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve numerous revisions to Alaska's State Implementation Plan (SIP) relating to the motor vehicle inspection and maintenance program for control of carbon monoxide (CO) in Anchorage and Fairbanks. The State of Alaska submitted three revisions to the Alaska SIP: a March 29, 2002 submittal containing minor revisions to the Statewide Inspection and Maintenance Program, a December 11, 2006 submittal containing more substantial revisions to the Statewide Inspection and Maintenance Program, and a June 5, 2008 submittal containing major revisions to the Statewide Inspection and Maintenance Program discontinuing the Inspection and Maintenance Program in Fairbanks as an active control measure in the SIP and shifting it to contingency measures. EPA is proposing to approve these submittals because they satisfy the requirements of the Clean Air Act (hereinafter the Act or CAA).

Also in this action, EPA is proposing a technical correction to the boundary description for the Fairbanks CO maintenance area, to correct a transcription error in the boundary description.

DATES: Written comments must be received on or before October 15, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2008–0690, by one of the following methods:

A. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Mail:* Gina Bonifacino, EPA, Office of Air, Waste, and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

C. *Hand Delivery:* EPA, Region 10 Mailroom, 9th Floor, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: Gina Bonifacino, Office of Air Waste, and Toxics (AWT–107). Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2008–0690. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 the EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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 electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Gina Bonifacino, (206) 553–2970, or by e-mail at *R10-Public_Comments@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. Information is organized as follows:

Table of Contents

I. Background
II. Proposed Actions
  A. 2008 Submittal
  B. 2006 Submittal
  C. 2002 Submittal
  D. 110(k)(6) Correction
III. Statutory and Executive Order Reviews

I. Background

Fairbanks North Star Borough Maintenance Area Planning History

The urban portion of the Fairbanks North Star Borough (FNSB or Fairbanks) was designated in 1990 as a nonattainment area for CO and classified as moderate. On March 30, 1998, Fairbanks was reclassified as a serious nonattainment area for failing to attain the ambient eight-hour CO

standard by the December 31, 1995 deadline. A new plan was required by October 1, 1999; however, an attainment plan was not submitted to EPA by the deadline. On April 3, 2000, EPA published a **Federal Register** Notice (65 FR 17444) stating that initial, mandatory sanctions would be triggered if a new plan was not submitted by October 2, 2001. On March, 2001, Fairbanks and the Alaska Department of Environmental Conservation (ADEC or the State) submitted a request to EPA for an extension of the attainment date from December 31, 2000 to December 31, 2001. On May 25, 2001, EPA granted approval. *See* 66 FR 28836. Alaska submitted a new plan on August 30, 2001, and EPA approved the plan on February 4, 2002 (67 FR 5064). ADEC submitted a maintenance plan and redesignation request to EPA on June 21, 2004. EPA proposed (69 FR 44632) and approved (69 FR 44601) the plan and redesignated the Fairbanks CO area to attainment on July 27, 2004. The maintenance plan relies on control strategies needed to assure maintenance of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide: The Federal Motor Vehicle Emission Control Program, a basic inspection and maintenance (I/M) program, a plug-in ordinance, and a woodstove curtailment program.

Anchorage Maintenance Area Planning History

Anchorage, Alaska, was first declared a nonattainment area for CO and classified as moderate on January 27, 1978. The Municipality of Anchorage (MOA) prepared a plan to attain the NAAQS by December 31, 1987; however, Anchorage failed to achieve attainment by December 31, 1987. The Clean Air Act was amended in November 1990, and EPA designated Anchorage as a moderate nonattainment area for CO and required submission of a revised air quality plan to bring Anchorage into attainment by December 31, 1995. EPA approved the plan in 1995. However, two violations of the NAAQS in 1996 resulted in EPA reclassifying Anchorage to serious nonattainment on July 13, 1998 with an attainment date of December 31, 2000. The MOA submitted a new plan on January 4, 2002 and EPA proposed approval of the plan (67 FR 38218) on June 3, 2002. On September 18, 2002, EPA approved the Anchorage CO attainment plan (67 FR 58711). The MOA submitted a maintenance plan and a redesignation request for the Anchorage CO nonattainment area on February 18, 2004. EPA proposed approval of the Anchorage CO maintenance plan (69 FR 25869) on May 10, 2004 and approved the plan on June 23, 2004 (69 FR 34935). The maintenance plan relies on control strategies needed to assure maintenance of the NAAQS for CO. The strategy focuses on the Federal Motor Vehicle Emission Control Program, an I/M program, expanded wintertime transit service and promotion of engine preheaters.

II. Proposed Actions

As stated above, the EPA is proposing to approve numerous revisions to the Alaska I/M program contained in three SIP submittals. The March 29, 2002 submittal (the 2002 submittal) includes minor revisions to the statewide I/M program contained in 18 Alaska Administrative Code (AAC) 50 and 52, the December 11, 2006 (the 2006 submittal) contains revisions to the statewide I/M program contained in 18 AAC 50 and 52 and the June 5, 2008 (the 2008 submittal) contains substantial revisions to 18 AAC 52 removing the I/M program in Fairbanks from the active part of the SIP and moving it to the contingency measures portion of the SIP. Upon EPA approval of the revised maintenance plan, the I/M program in Fairbanks will no longer be an active control measure in the SIP but will be a contingency measure that may be implemented in the future if the need arises.

Alaska's SIP amendment submittals are reviewed below in reverse chronological order. Following the EPA's review of each of the submittals, we establish the basis for a technical correction to the Fairbanks CO area boundary under section 110(k)(6) of the Act. The EPA has also prepared a Technical Support Document (TSD) with more detailed analysis of the SIP revisions the State of Alaska has submitted for approval. The TSD is available for public review as part of the docket for this action.

A. 2008 Submittal

Clean Air Act Basis for Review

Section 110(l) of the Clean Air Act states:

> Each revision to an implementation plan submitted by a State under this Act shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision to a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.

EPA's Evaluation of the State's CAA Section 110(l) Demonstration in the 2008 Submittal

The I/M program is a primary control measure in the current Federally approved CO maintenance plan for the Fairbanks area. The State's 2008 submittal revises the maintenance plan for the Fairbanks area to discontinue the I/M program beginning in calendar year 2010 and to shift it to the contingency measures section of the SIP. To satisfy section 110(l) of the Act, the State submitted a technical analysis using probabilistic rollback modeling that demonstrates that the State will continue to maintain the CO standard in Fairbanks without the I/M program in place. In addition, since based on 2006–2008 air quality monitoring data, the State is violating the 2006 24-hour $PM_{2.5}$ standard, the State submitted a technical analysis demonstrating that removal of the I/M program in Fairbanks will not result in an increase in $PM_{2.5}$ direct or precursor emissions.[1] The State is well within the compliance levels for the remaining NAAQS.[2]

Based on our review of the State's analyses for CO and $PM_{2.5}$, we have concluded that the 2008 SIP revision discontinuing the I/M program in Fairbanks as a control measure in the Fairbanks maintenance plan will not interfere with attainment or maintenance of the NAAQS, including CO, $PM_{2.5}$, or any other requirement of the Act. Accordingly, we are proposing to approve the removal of the I/M program in Fairbanks from the active control measures portion of the maintenance plan. Based on section 175(A)(d) of the Act, any measure that is removed from the active portion of a maintenance plan must be retained as a contingency measure, therefore, EPA is proposing to retain the I/M program in the Fairbanks CO maintenance plan as a contingency measure. *See* September 4, 1992 memorandum from John Calcagni to the EPA Air Division Directors (''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division), which is included in the docket for this action.

The following is EPA's evaluation of the State's 2008 SIP revision that demonstrates that removing the I/M program in Fairbanks will not impact attainment or maintenance of the CO standard in Fairbanks followed by our evaluation of the State's analysis

[1] *See* EPA Air Quality Monitoring data *http://epa.gov/air/data/monvals.html?st~K~Alaska.*

[2] *See* EPA's Green Book *http://www.epa.gov/oar/oaqps/greenbk/index.html.*

demonstrating that removal of the I/M program in Fairbanks will not impact attainment or maintenance of the 24-hour $PM_{2.5}$ standard in Fairbanks.

EPA's Evaluation of the Updated Components of the Federally Approved CO Maintenance Plan for Fairbanks and our Evaluation of the State's Analysis of Impacts of Removing the I/M Program in Fairbanks on the CO Standard

In the 2008 submittal, the State provided updates to components of the Fairbanks CO maintenance plan reflecting removal of the I/M program in Fairbanks and demonstrating continued maintenance of the CO standard in Fairbanks. These components include an updated emissions inventory for the period 2006–2015 reflecting the removal of the I/M program beginning in calendar year 2010, a demonstration of maintenance of the CO standard in Fairbanks without the I/M program in place, updated contingency measures that incorporate the I/M program as a contingency measure, and an updated motor vehicle emissions budget for the CO SIP that reflects the removal of the I/M program in Fairbanks.

The following is EPA's evaluation of these updated components. All of the technical work contained in the State's 2008 submittal was performed using the same methodology that was used to demonstrate maintenance in the Fairbanks CO maintenance plan that EPA approved in 2004. *See* 69 FR 44601. Where data was available, emissions inventory and modeling inputs were updated with more recent information. This is explained further in our evaluation below and in the TSD for this proposed action.

Emissions Inventory

The State submitted an updated emissions inventory for the period 2006–2015 reflecting the discontinuation of the I/M program in Fairbanks in 2010. The inventory was prepared in accordance with EPA's CO emissions inventory guidance.[3] The inventory includes emissions for stationary sources, area sources, non-road mobile sources and on-road mobile sources on a worst case or ''design day.'' [4] The complete inventory is included in the Appendix to Volume II Section III.C. of the State's submittal. The base year for the inventory is 2005 which corresponds to a year when the area was in attainment with the standard.

The State projected the 2005 base year inventory to the years 2006–2015 to serve as the modeling inventory. This modeling inventory accounts for the elimination of the I/M program after 2009. EPA's review of the modeling inventory indicates that there is an overall decline in base emissions by 4.84 tons per day (tpd) (14%) between the 2005 base year and the 2015 horizon planning year. This is caused by a 24% reduction in on-road emissions (from 25.29 tpd to 19.18 tpd) during this timeframe. The primary driver in lower on-road emissions is a sustained reduction in average in-use emission rates as newer, cleaner vehicles continue to replace older, higher emitting vehicles. The TSD for this proposed action contains a detailed discussion and table of emissions from the 2006–2015 inventory.

Maintenance Demonstration

The State used a probabilistic rollback approach for the maintenance demonstration in the 2008 SIP submittal. This is the same methodology that the State used and EPA approved in previous submittals to model attainment/maintenance with the CO standard in Fairbanks. *See* 69 FR 44601 and the Technical Support Document for 69 FR 44601. A detailed discussion of the methodology and results can be found in the Appendix to Volume II Section III.C of the State's submittal and in EPA's TSD for this proposed action.

The State's 2008 submittal contains a summary of the probability of attainment through 2015 without the I/M program in place from the probabilistic rollback analysis. Consistent with methods used in previous plans submitted by the State and approved by EPA, at least a 90% confidence interval is desirable for a long-term demonstration of attainment for a maintenance plan. Based on the modeling results contained in the State's submittal, the probability of attainment is 93% or above for all years in the State's maintenance demonstration (2006–2015). EPA's evaluation of the probabilistic rollback modeling in the State's 2008 submittal concludes that the Fairbanks area will continue to attain and maintain the CO standard through the year 2015 without the I/M program in place.

Contingency Measures

As a primary control strategy in the Alaska SIP, the I/M program for Fairbanks must be retained as a contingency measure. In addition to this contingency measure, the previously approved contingency measures in the SIP continue to apply. *See* 69 FR 44604. As stated above, Section 175A(d) of the Clean Air Act requires that maintenance plans include as contingency measures all control measures which were contained in the State implementation plan before redesignation to attainment. To satisfy this requirement, EPA will be removing the Fairbanks I/M Program as a control measure in the SIP and shifting it to a contingency measure that will be available for implementation if needed to ensure continued maintenance of the ambient CO standard. As documented in the State's submittal in Section III.C.9, Fairbanks will retain the local legal authority necessary to implement the I/M Program as a contingency measure. Similarly, the State will retain its authority to implement the I/M Program under State regulation, 18 AAC 52 (included in the State's submittal in the Appendix to Section III.A.2), as specified in Alaska Statutes 46.14.400 (included in the State' submittal in the Appendix to Volume II. of this plan).

Conformity Budget

Under section 176 of the Act, transportation plans, programs, and projects in nonattainment or maintenance areas that are founded or approved under 23 U.S.C. or the Federal Transit Act must conform to an approved SIP. In short, a transportation plan is deemed to conform to the applicable SIP if the emissions resulting from implementation of that transportation plan are less than or equal to the motor vehicle emission level established in the SIP for the maintenance year and other analysis years. A motor vehicle emissions budget applies as a ceiling on emissions in the year for which it is defined, and for all subsequent years until another year for which a budget is defined or until a SIP revision modifies the budget. Section III.C.10 of the State's submittal discusses the motor vehicle emissions budgets for the Fairbanks, Alaska area. For transportation conformity and regional conformity analysis purposes, motor vehicle emissions budgets for CO have been established for on-road motor vehicle emissions.

The budget is based on the emission inventories and attainment projections found in the State's submittal in Volume III Appendix to Section III.C.3. This motor vehicle emissions budget applies for each of the years listed in Table 1. The values presented for 2006, 2010 and 2015 are based upon the 90% confidence level target for maintenance plans that EPA has used in past approvals of the Fairbanks CO SIP.

[3] Emissions Inventory Requirements for Carbon Monoxide State Implementation Plans EPA–450/4–91–011.

[4] A worst case design day for Fairbanks is during the wintertime when meteorological conditions such as inversions are present that are most likely to cause exceedances and emissions are highest.

TABLE 1—FNSB MOTOR VEHICLE EMISSIONS BUDGET

Calendar year	CO emissions (tons/day)
2006	24.62
2010	24.01
2015	23.61

The motor vehicle emissions budget in the submitted SIP meets the following criteria contained in the conformity rule (40 CFR 93.118(3)(4)) and summarized here. The budget must: be endorsed by the Governor (or a designee); be subject to a public hearing; be developed through consultation among Federal, State and local agencies; be supported by documentation that has been provided to EPA; address any EPA concerns received during the comment period; clearly identify and precisely quantify the revised budget; show that the motor vehicle emissions budget, when considered together with all other emissions sources, is consistent with the requirements for continued maintenance of the ambient CO standard; demonstrate that the budget is consistent with and clearly related to the emissions inventory and the control measures in the plan revision; explain and document revisions to the previous budget and control measures, and include any impacts on point or area sources; and address all public comment on the plan's revisions and include a compilation of these comments. EPA's TSD for this proposed action contains a detailed review of the Agency's determination that these criteria have been satisfied.

Once a motor vehicle emissions budget is approved by EPA, the Fairbanks Transportation Plan and Transportation Improvement Program (TIP) must be less than or equal to the motor vehicle emissions budget. For projects not from a conforming TIP, the additional emissions from the project together with the TIP emission must be less than or equal to the budget.

Consistent with the previously approved maintenance plan, the on-road source budget is based on emissions inventories and attainment thresholds calculated using a AKMOBILE6, a hybrid method that specialized combined measured idle test data with MOBILE6.2. *See* 67 FR 5067 (February 4, 2002). As a result of the hybrid method used for calculation of Fairbanks mobile source emissions, it is necessary to clearly set out a means for agencies to compute emissions for use in TIP and project conformity determinations. Volume III. Section III.C.10 of the State's submittal contains an explanation on this.

EPA has found that the conformity budget in the 2008 submittal meets the purpose of section 176(c)(2)(A) and meets the criteria contained in the conformity rule 40 CFR 93.118(3)(4). Accordingly, EPA is proposing to approve the conformity budget contained in the State's 2008 submittal.

EPA's Evaluation of the State's Analysis of the Impact of Removing I/M Program on $PM_{2.5}$ in Fairbanks

Based on a review of the most recent three years of data in EPA's Air Quality System database for, Alaska is within the attainment limits for all of the criteria pollutant standards except the 24-hour $PM_{2.5}$ standard.[5, 6]

As stated above, section 110(l) of the Clean Air Act states:

> Each revision to an implementation plan submitted by a State under this Act shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision to a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.

The State acknowledged in its submittal that recent air quality monitoring data shows exceedances of the 24-hour $PM_{2.5}$ standard in Fairbanks and in light of this submitted a technical analysis that demonstrates that $PM_{2.5}$ direct and precursor emissions will decline through 2015 in Fairbanks without the I/M program in place.

EPA's Review of the State's 110(l) Analysis for $PM_{2.5}$

To assess the impact of discontinuing the I/M program on $PM_{2.5}$ and precursor emissions, the State provided estimates of motor vehicle emissions within the CO maintenance area with and without the I/M program using EPA's approved regulatory model for calculating emissions from motor vehicles, MOBILE6.2. *See* 69 FR 28830 (May 19, 2004). These estimates were computed using the MOBILE6.2 settings and activity data used to prepare the maintenance demonstration discussed above in this proposed action. A review of monitoring data collected in Fairbanks in recent years shows that the exceedances of the $PM_{2.5}$ standard in Fairbanks are seasonal, episodic and occur in winter.[7] Because the exceedances of the $PM_{2.5}$ standard have occurred in the winter in Fairbanks, the State's analysis examined the impact of removing the I/M program in Fairbanks on direct $PM_{2.5}$ and precursor emissions during the winter season. Estimates were prepared for directly emitted $PM_{2.5}$, VOCs or hydrocarbon (HC), NO_X, SO_X, and NH_3 emissions. With the exception of ammonia, the State's analysis shows that emissions of all pollutants are projected to decline substantially between 2005 and 2015. The increase in ammonia is slight (by .01 tons per day), and EPA does not believe this increase in ammonia will interfere with attainment the 24-hour $PM_{2.5}$ standard. As with the CO projections described above, the primary driver for lower on-road emissions is a sustained reduction of average in-use emission rates, as newer, cleaner vehicles continue to replace older, higher emitting vehicles. EPA's TSD for this proposed action contains EPA's detailed review of the State's $PM_{2.5}$ analysis.

Conclusion

The State's forecast of motor vehicle pollutant emissions shows that with the exception of ammonia, $PM_{2.5}$ and its precursors will decline substantially in Fairbanks between 2005 and 2015 without the I/M program in place. Because the increase in ammonia is slight (by .01 ton/day) we do not believe this increase in ammonia will not interfere with attainment the 24-hour $PM_{2.5}$ standard in Fairbanks. Based on this, EPA finds that the discontinuation of the I/M program will not interfere with attainment of the ambient $PM_{2.5}$ standard in Fairbanks. As stated above, the State's submittal demonstrates that removal of the I/M program for control of CO in Fairbanks will not interfere with attainment and maintainence of the CO standard in Fairbanks. The 2008 submittal meets the requirements of section 110(l) of the Clean Air Act.

B. 2006 Submittal

The 2006 submittal contains minor revisions to the Statewide Emissions and Inspection and Maintenance Requirements for Motor Vehicles and the State Air Quality Control Plan that: remove outdated language and requirements from the SIP documents that are obsolete with previous EPA approved revisions to the SIP or with outdated timeframes; clarify wording and add flexibility to enforce the I/M programs by allowing the implementing

[5] *http://epa.gov/air/data/monvals.html?st~AK~Alaska.*

[6] Based on the most recent three years of data (2006–2008) the Fairbanks area is in violation of the 24-hour $PM_{2.5}$ standard.

[7] *http://epa.gov/air/data/monvals.html?st~AK~Alaska.*

agency to bring a civil action for pollution under AS 46.03.760(e); and update the Alaska I/M program manual to include the latest technologies and the list of aftermarket parts that could be used in the repair of a vehicle which fails the test. The 2006 revisions also contain a more substantive revision that lengthens the grace period for new vehicles to obtain the first certificate of inspection from two years to four years. The Statewide Inspection and Maintenance Requirements are approved measures in the maintenance plans for the Fairbanks maintenance area and for the Anchorage maintenance area; therefore, any revisions to them are subject to section 110(l) of the Act.

EPA's Review of the 2006 Submittal

To address the requirements of Section 110(l) of the Act, the State submitted a technical analysis that shows that the 2006 revision to the statewide I/M program that lengthens the time period before new vehicles are required to obtain their first certificate of inspection from two years to four years will not result in any substantial increase in CO emissions and therefore will not impact attainment or maintenance of the CO standard in Anchorage and Fairbanks.

EPA's review of the State's submittal confirms that the 2006 revisions are minor revisions that are administrative in nature, with the exception of the lengthening of the time period before new vehicles are required to obtain the first certificate of inspection from two years to four years.

As stated above, the State's analysis focuses on demonstrating continued maintenance of the CO standard by showing that CO emissions will not increase substantially as a result of lengthening the time period before new vehicles are required to obtain the first certificate of inspection from two to four years. *See* Appendix to Vol. II Section III.B and III.C of the State's submittal for the analysis. For the analysis, the State prepared a revised emissions inventory reflecting the change in the new vehicle grace period from two years to four years. The same methods that were used to prepare the emissions inventory for the 2004 maintenance plans for Anchorage and Fairbanks were used. *See* 69 FR 44601 and 69 FR 34935, respectively. The analysis in the State's submittal demonstrates that the impact of the revision of the new vehicle grace period is small, and constitutes a .3% increase in total area wide emissions for the year 2006, the first year of the grace period, from 119.7 tons per day to 120.1 tons per day in Anchorage and a .27% increase in the Fairbanks emissions from 2005–2015. Given this negligible change in emissions, EPA finds that the revision in the new vehicle inspection grace period will not impact continued attainment of the CO standard or any of the other NAAQS in Anchorage or Fairbanks for the remainder of the maintenance period approved by EPA in 2004. *See* 69 FR 44601 and 69 FR 34935, respectively.

Additionally, the State is well below the standards for the other NAAQS with the exception of the current 24-hour $PM_{2.5}$ standard.[8] Given that the increase in CO emissions from this revision are less than a half percent, EPA does not believe that $PM_{2.5}$ or any of the other NAAQS will increase from this revision to the extent that it will interfere with attainment of the NAAQS.

Conclusion

With the exception of the revision of the grace period for new vehicle inspection from 2–4 years, the revisions submitted to the Alaska SIP are administrative changes and updates that will not result in a change in emissions. The State's analysis of changes in emissions resulting from the revised grace period indicates that any increases due to a revision of the grace period for new vehicle inspection from two to four years are negligible. Therefore, elimination of the I/M program will not interfere with either the attainment or reasonable further progress towards attainment of the ambient $PM_{2.5}$ standard in Fairbanks and EPA proposes to approve the 2006 SIP revisions.

C. 2002 Submittal

The March 2002 submittal contains revisions to the Statewide Inspection and Maintenance Program contained in 18 AAC 52 that: provide for electronic vehicle registration renewal and remove the requirement for the paper part of the certificate of inspection to be maintained in the vehicle, replacing it with display certificates of inspection on car windshields; and update the Alaska I/M Program Manual from the manual dated January 2, 2000 to the manual dated February 21, 2002 to incorporate up to date technology and Federal changes to the on-board diagnostic or OBDII portion of the I/M program.

EPA's Review and Conclusions on the State's 2002 Submittal

As stated above, revisions to the I/M program in Alaska are subject to Section 110(l) of the Act. EPA's review of the State's 2002 submittal finds that these are minor revisions that are administrative in nature and will not result in an increase or change in CO emissions since these revisions simplify implementation of the program by moving from paper systems to electronic systems and update I/M program elements to reflect updated Federal requirements.[9] Based on this, EPA concludes that the 2002 revisions to the I/M program in Alaska will not interfere with either the attainment or maintenance of the CO standard or any of the NAAQS or applicable requirements in the Act in Anchorage and Fairbanks.

Based on EPA's review of the State's 2002 submittal which finds that the 2002 revisions to the AK I/M program are administrative in nature that do not result in any increase or change in emissions, our review of the 2006 SIP revisions which finds that revision to the I/M grace period for new vehicles from two years to four years the 2006 revisions would result in a negligible change in CO emissions and our review of the 2008 submittal which finds that the area will continue to maintain the CO standard and $PM_{2.5}$ emissions will decrease through 2015 without the I/M program in place, we are proposing to approve the State's 2002, 2006 and 2008 submittals.

D. Technical Correction to the Boundary

In an e-mail dated February 9, 2009 from Alice Edwards, Acting Director of the Air Quality Division of the Alaska Department of Environmental Conservation to Mahbubul Islam, Manager of the State and Tribal Air Programs Unit, Office of Air, Waste and Toxics, Region 10, EPA was notified of a discrepancy in the description of the boundary of the Fairbanks Nonattainment Area in the Alaska SIP documents and as published in 40 CFR Part 81. EPA has reviewed this discrepancy and determined that the description in 40 CFR 81.302 contains a transcription error. EPA is, therefore, providing notice of its intent to amend the boundary for the Fairbanks area in 40 CFR 81.302 to include the missing phrase included in the boundary description in the Alaska SIP.

Section 110 (k)(6) of the Act states:

> Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without

[8] *See* EPA's Green Book *http://www.epa.gov/oar/oaqps/greenbk/index.html.*

[9] *See* 40 CFR 51.358.

requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.

The table in 40 CFR 81.302 contains the following description of the Fairbanks Area for Carbon Monoxide:

Fairbanks Area—Fairbanks Election District (part), Fairbanks nonattainment area boundary: (1) Township 1 South, Range 1 West, Sections 2 through 23, the portion of Section 1 west of the Fort Wainwright military reservation boundary and the portions of Section 24 north of the Old Richardson Highway and west of the military reservation boundary, also, Township 1 South, Range 2 West, Sections 13 and 24, the portion of Section 12 southwest of Chena Pump Road and the portions of Sections 7, 8, and 18 and the portion of Section 19 north of the Richardson Highway. (Fairbanks and Ft. Wainwright) (2) Township 2 South, Range 2 East, the portions of Sections 9 and 10 southwest of the Richardson Highway. (North Pole.)

The description of the area in the State Implementation Plan (*See* Vol. II Analysis of Problems, Control Actions Section III.C.2–1 of the SIP (contained in the State's 2006 submittal)) is the following:

1. The Fairbanks/Fort Wainwright sub-area includes (a) Township 1 South, Range 1 West, Sections 2 through 23, the portion of Section 1 west of the Fort Wainwright military reservation boundary, and the portions of Section 24 north of the Old Richardson Highway and west of the military reservation boundary; (b) Township 1 South, Range 2 West, Sections 13 and 24, the portion of Section 12 southwest of Chena Pump Road, and the portions of Sections *14 and 23 southeast of the Chena River; and (c) Township 1 South, Range 1 East, Sections* 7, 8, and 18, and the portions of Section 19 north of the Richardson Highway.

2. The North Pole sub-area includes Township 2 South, Range 2 East, and the portions of Section 9 and 10 southwest of the Richardson Highway.

EPA's review of the boundary description in the Alaska SIP and the boundary description on 40 CFR 81.302 finds that the boundary description in 40 CFR 81.302 is ambiguous as to the eastern portion of the nonattainment area. The description of the boundary in 40 CFR 81.302 omits the phrase *14 and 23 southeast of the Chena River. Also, Township 1 South, Range 1 East, Sections* and by doing so defines sections 7, 8 and 19 as being part of Township 1 South Range 2 West. However, sections 7, 8 and 19 of Township 1 Range South Range 2 West are noncontiguous with the rest of the Fairbanks nonattainment area boundary and therefore the description is ambiguous and clearly erroneous. *See* Figure 4 of the TSD for this action for a figure of the Fairbanks area.

EPA also notes that all previous SIP elements including emissions inventories and modeling, regulations and contingency measures submitted by the State and approved by EPA were prepared and implemented for the area as it was described in the Alaska SIP. EPA notes that as a result of these planning efforts, the area has attained the CO standard.

For these reasons, EPA is under section 110(k)(6) of the Act correcting the boundary description for the Fairbanks CO area to include the phrase *14 and 23 southeast of the Chena River. Also, Township 1 South, Range 1 East, Sections.* The corrected version of the description of the description of the Fairbanks CO area in 40 CFR 81.302 will read in full as follows:

Fairbanks Area—Fairbanks Election District (part), Fairbanks nonattainment area boundary: (1) Township 1 South, Range 1 West, Sections 2 through 23, the portion of Section 1 west of the Fort Wainwright military reservation boundary and the portions of Section 24 north of the Old Richardson Highway and west of the military reservation boundary, also, Township 1 South, Range 2 West, Sections 13 and 24, the portion of Section 12 southwest of Chena Pump Road and the portions of Sections *14 and 23 southeast of the Chena River; also Township 1 South, Range 1 East, Sections* 7, 8, and 18 and the portion of Section 19 north of the Richardson Highway. (Fairbanks and Ft. Wainwright). (2) Township 2 South, Range 2 East, the portions of Sections 9 and 10 southwest of the Richardson Highway. (North Pole).

III. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 8, 2009.

Daniel D. Opalski,

Acting Deputy Regional Administrator, Region 10.

[FR Doc. E9–22208 Filed 9–14–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1071]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before December 14, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1071, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Pickens County, Alabama, and Incorporated Areas				
Big Ditch	Approximately 1,317 feet upstream of the confluence with Tributary 1.	None	+163	Unincorporated Areas of Pickens County.
	Approximately 1.1 mile upstream of the confluence with Tributary 1.	None	+174	
Little Bear Creek	Approximately 0.8 miles downstream of U.S. Highway 82.	None	+235	Unincorporated Areas of Pickens County.
	Approximately 1 mile upstream of First Avenue	None	+262	
Long Creek	Approximately 845 feet upstream of First Avenue	None	+254	Unincorporated Areas of Pickens County.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 1,123 feet upstream of First Avenue	None	+255	
Lubbub Creek	Approximately 0.9 miles downstream of U.S. Highway 82.	None	+220	Unincorporated Areas of Pickens County.
	Approximately 1,292 feet upstream of U.S. Highway 82.	None	+227	
Stream 2	Approximately 1,375 feet downstream of the confluence with Stream 3.	None	+196	Unincorporated Areas of Pickens County.
	Approximately 1,300 feet downstream of the confluence with Stream 3.	None	+196	
Tombigbee River	Approximately 1.4 miles downstream of the confluence with Beaver Creek.	None	+144	City of Memphis.
	Approximately 0.9 miles downstream of the confluence with Beaver Creek.	None	+144	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Memphis

Maps are available for inspection at 128 Memphis Circle, Aliceville, AL 35442.

Unincorporated Areas of Pickens County

Maps are available for inspection at Judicial Center, 20 Phoenix Avenue, Room 102, Carrollton, AL 35447.

Holmes County, Florida, and Incorporated Areas

Bay Branch	Approximately 1,922 feet upstream of the confluence with West Pittman Creek.	None	+80	Unincorporated Areas of Holmes County.
	Approximately 1.5 miles upstream of the confluence with West Pittman Creek.	None	+80	
Blue Creek	Just downstream of Valee Road	None	+74	Unincorporated Areas of Holmes County.
	Approximately 1.9 miles upstream of Jack Johnson Road.	None	+88	
Camp Branch	Approximately 670 feet downstream of Bonifay Chipley Road.	None	+87	Unincorporated Areas of Holmes County, City of Bonifay.
	Approximately 364 feet upstream of N. Waukesha Street.	None	+122	
Camp Branch Tributary 1	Approximately 1,216 feet downstream of Joe White Road.	None	+87	Unincorporated Areas of Holmes County, City of Bonifay.
	Approximately 1,047 feet upstream of Industrial Drive.	None	+124	
Caney Branch	Approximately 1,725 feet upstream of the confluence with Wrights Creek.	None	+68	Unincorporated Areas of Holmes County.
	Approximately 0.9 miles upstream of the confluence with Wrights Creek.	None	+68	
Cow Branch	Approximately 1,232 feet downstream of Ammons Road.	None	+70	Unincorporated Areas of Holmes County, Town of Ponce De Leon.
	Approximately 0.4 miles upstream of Grant Road	None	+92	
Cow Branch Tributary 1	At the confluence with Cow Branch	None	+82	Unincorporated Areas of Holmes County, Town of Ponce De Leon.
	Approximately 0.7 miles upstream of Grant Road	None	+153	
Hathaway Mill Creek	Just downstream of Hathaway Mill Road	None	+63	Unincorporated Areas of Holmes County.
	Approximately 0.4 miles upstream of Hathaway Mill Road.	None	+63	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Merrill Branch	At the confluence with Bay Branch	None	+80	Unincorporated Areas of Holmes County.
	Approximately 0.8 miles upstream of the confluence with Bay Branch.	None	+80	
Mill Creek	Approximately 1,492 feet downstream of Jack Brown Drive.	None	+59	Unincorporated Areas of Holmes County, Town of Ponce De Leon.
	Approximately 735 feet downstream of Jack Brown Drive.	None	+76	
Old Creek	Just downstream of R.M. Ward Road	None	+59	Town of Westville.
	Approximately 0.6 miles upstream of R.M Ward Road.	None	+59	
Parrot Creek	Just upstream of Rum Road	None	+88	Unincorporated Areas of Holmes County.
	At the confluence with Hand Branch	None	+88	
Sandy Creek	Approximately 200 feet downstream of County Highway 81A.	None	+84	Unincorporated Areas of Holmes County.
	Approximately 1.5 miles upstream of County Highway 183A.	None	+102	
Unnamed Tributary to Bay Branch.	At the confluence with Bay Branch	None	+80	Unincorporated Areas of Holmes County.
	Approximately 0.8 miles upstream of the confluence with Bay Branch.	None	+80	
West Pittman Creek	Just downstream of County Highway 179A	None	+80	Unincorporated Areas of Holmes County.
	Approximately 1,454 feet upstream of County Highway 179A.	None	+80	
Wrights Creek	Just downstream of Adolph Whitaker Road	None	+88	Unincorporated Areas of Holmes County.
	Approximately 1.9 miles upstream of Bush Road	None	+148	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Bonifay
Maps are available for inspection at City Hall, 301 J. Harvey Ethridge Street, Bonifay, FL 32425.

Town of Ponce De Leon
Maps are available for inspection at the Town Hall, 1580 Highway 90, Ponce De Leon, FL 32455.

Town of Westville
Maps are available for inspection at the Town Hall, 2523 North Pine Street, Westville, FL 32464.

Unincorporated Areas of Holmes County
Maps are available for inspection at the Chamber of Commerce, 106 East Byrd Avenue, Bonifay, FL 32425.

Johnson County, Kentucky, and Incorporated Areas

Big Mine Fork (Backwater effects from Paintsville Lake).	From confluence with Paintsville Lake to approximately 1 mile upstream of confluence with Paintsville Lake.	None	+730	Unincorporated Areas of Johnson County.
Colvin Branch (Backwater effects from Paintsville Lake).	From confluence with Paintsville Lake to approximately 1,700 feet upstream of confluence with Paintsville Lake.	None	+730	Unincorporated Areas of Johnson County.
Left Fork Blaine Creek	Just downstream of confluence with Keaton Fork	None	+690	Unincorporated Areas of Johnson County.
	Approximately 150 feet upstream of KY–469	None	+691	
Little Mine Fork (Backwater effects from Paintsville Lake).	From confluence with Big Mine Fork to approximately 1,100 feet upstream of confluence with Big Mine Fork.	None	+730	Unincorporated Areas of Johnson County.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Little Paint Creek (Backwater effects from Paintsville Lake).	From confluence with Paintsville Lake to approximately 1.3 miles upstream of confluence with Paintsville Lake.	None	+730	Unincorporated Areas of Johnson County.
Paintsville Lake	Entire shoreline of Paintsville Lake	None	+730	Unincorporated Areas of Johnson County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Johnson County

Maps are available for inspection at 908 3rd Street, Paintsville, KY 41240.

Beauregard Parish, Louisiana, and Incorporated Areas

Cowpen Creek	Just downstream of Graybow Road	+175	+174	Unincorporated Areas of Beauregard Parish.
	Approximately 0.9 miles upstream of Sunset Lane	+197	+196	
Hickory Branch Creek	Approximately 0.7 miles downstream of Mays Street	+161	+160	Unincorporated Areas of Beauregard Parish, City of Deridder.
	Approximately 1300 feet upstream of Park Road	+174	+173	
Palmetto Creek	Just upstream of Highway 171	+132	+131	Unincorporated Areas of Beauregard Parish, City of Deridder.
	Just downstream of Highway 190	+181	+180	
Unnamed Tributary of Cowpen Creek.	At the confluence with Cowpen Creek	+193	+192	Unincorporated Areas of Beauregard Parish.
	Approximately 0.4 miles upstream of Country Lane	+193	+192	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Deridder

Maps are available for inspection at 200 South Jefferson Street, Deridder, LA 70634.

Unincorporated Areas of Beauregard Parish

Maps are available for inspection at 201 West 2nd Street, Deridder, LA 70634.

Pontotoc County, Oklahoma, and Incorporated Areas

Clear Boggy Creek	Approximately 990 feet downstream of Highway 377.	None	+817	Unincorporated Areas of Pontotoc County, City of Ada.
	Approximately 400 feet downstream of Stonecipher Boulevard.	None	+819	
Little Sandy Creek	Approximately 900 feet downstream of North 3570 Road.	None	+916	Unincorporated Areas of Pontotoc County, City of Ada.
	Approximately 528 feet upstream of Constant Avenue.	+982	+984	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Town Branch	Approximately 1,500 feet downstream of North 3700 Road.	None	+822	Unincorporated Areas of Pontotoc County, Town of Allen.
	Approximately 1,550 feet upstream of East B Street	None	+852	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Ada
Maps are available for inspection at 231 South Townsend Street, Ada, OK 78420.

Town of Allen
Maps are available for inspection at 109 North Memphis Street, Allen, OK 78425.

Unincorporated Areas of Pontotoc County
Maps are available for inspection at 120 West 13th Street, Ada, OK 74821.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Edward L. Connor,
Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–22106 Filed 9–14–09; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1064]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before December 14, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1064, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Baxter County, Arkansas, and Incorporated Areas				
North Fork River	Just downstream of State Highway 177	+397	+398	City of Norfork, Unincorporated Areas of Baxter County, City of Salesville.
	At the confluence with White River	+397	+398	
Tributary #1 to Dodd Creek	At the confluence with Dodd Creek	+784	+785	City of Mountain Home.
	Approximately 505 feet upstream of Burnett Drive	None	+834	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Baxter County

Maps are available for inspection at the County Courthouse, 1 East 7th Street, Mountain Home, AR 72653.

City of Mountain Home

Maps are available for inspection at 720 South Hickory Street, Mountain Home, AR 72653.

City of Norfork

Maps are available for inspection at 49 City Hall Circle, Norfork, AR 72658.

City of Salesville

Maps are available for inspection at 46 Salesville Circle, Salesville, AR 72653.

Kauai County, Hawaii, and Incorporated Areas				
Pacific Ocean	On the Pacific Ocean coastline, on the east side of the island, approximately 0.6 mile northeast of Kuahona Point.	None	#1	Unincorporated Areas of Kauai County.
	On the Pacific Ocean coastline, on the east side of the island, approximately 0.9 mile southeast of the intersection of Niumalu Road and Hulemalu Road.	None	#89	
	Approximately 2,075 feet southeast of the intersection of Waapa Road and Niumalu Road.	None	#1	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
ADDRESSES				
Unincorporated Areas of Kauai County				
Maps are available for inspection at the Department of Public Works, 4444 Rice Street, Suite 175, Lihue, HI 96766.				
Delaware County, Indiana, and Incorporated Areas				
Muncie Creek	Just downstream of McCulloch Boulevard	+939	+939	City of Muncie, Unincorporated Areas of Delaware County.
	Just downstream of Norfolk Southern Railroad	None	+959	
West Fork White River	Approximately 2,200 feet downstream of Interstate 69	+872	+873	Unincorporated Areas of Delaware County, City of Muncie, Town of Daleville, Town of Yorktown.
	Approximately 17,780 feet upstream of County Road 700.	+993	+992	

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+ North American Vertical Datum.
# Depth in feet above ground.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Muncie
Maps are available for inspection at City Hall, 300 North High Street, Muncie, IN 47334.

Town of Daleville
Maps are available for inspection at the Town Hall, 8019 Walnut Street, Daleville, IN 47334.

Town of Yorktown
Maps are available for inspection at the Town Hall, 9800 West Smith Street, Yorktown, IN 47396.

Unincorporated Areas of Delaware County
Maps are available for inspection at the County Building, 100 West Main Street, Muncie, IN 47305.

Tangipahoa Parish, Louisiana, and Incorporated Areas				
Ponchatoula Creek	Approximately 1,726 feet upstream of the confluence of Ponchatoula Creek and Unnamed Tributary.	None	+79	Town of Independence.
	Approximately 1.92 miles upstream of the confluence of Ponchatoula Creek and Unnamed Tributary.	None	+87	
Tangipahoa River	Approximately 1.18 miles upstream of the confluence of the Tangipahoa River and Big Creek.	None	+118	Town of Roseland.
	Approximately 1,809 feet downstream of the intersection of the Tangipahoa River and Highway 10.	None	+126	
Unnamed Tributary	Approximately 0.65 miles upstream of the confluence of Unnamed Tributary and Ponchatoula Creek.	None	+79	Town of Independence.
	Approximately 0.81 miles upstream of the confluence of Unnamed Tributary and Ponchatoula Creek.	None	+80	

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+ North American Vertical Datum.
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∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Independence
Maps are available for inspection at P.O. Box 35, Independence, LA 70443.

Town of Roseland

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Maps are available for inspection at 62438 Commercial Drive, Roseland, LA 70546.				
Todd County, Minnesota, and Incorporated Areas				
Long Prairie River	Approximately 15,140 feet downstream of U.S. Highway 71.	None	+1284	City of Long Prairie, Unincorporated Areas of Todd County.
	Approximately 3,950 feet upstream of Riverside Drive/County Highway 56.	None	+1293	

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+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Long Prairie

Maps are available for inspection at 615 Lake Street South, Long Prairie, MN 56347.

Unincorporated Areas of Todd County

Maps are available for inspection at 215 1st Avenue South, Suite 201, Long Prairie, MN 56347.

Grant County, New Mexico, and Incorporated Areas				
Cotton Wood Creek	Approximately 400 feet upstream of the confluence with Silva Creek.	None	+5942	Unincorporated Areas of Grant County.
	Just downstream of Little Walnut Road	None	+5987	
Maunde's Creek	Approximately 1.0 miles downstream of Rosedale Road.	None	+5698	Unincorporated Areas of Grant County.
	Approximately 1.1 miles upstream of the confluence with Central Arroyo.	None	+6122	
Pinos Altos Creek	Approximately 0.4 miles upstream of North Fowler Avenue.	None	+6116	Unincorporated Areas of Grant County.
	Approximately 0.5 miles upstream of North Fowler Avenue.	None	+6130	
San Vicente Arroyo	Approximately 1,000 feet downstream of Broken Arrow Drive.	None	+5623	Unincorporated Areas of Grant County.
	Approximately 700 feet upstream of the confluence with Tributary No. 4 (San Vicente Arroyo).	None	+5762	
Silva Creek	Approximately 400 feet upstream of the confluence with Silva Creek.	None	+5942	Unincorporated Areas of Grant County.
	Approximately 300 feet upstream of Jade Drive	None	+5993	
Tributary No. 1 (Maude's Creek).	At the confluence with Maude's Creek	None	+5858	Unincorporated Areas of Grant County.
	Approximately 1,300 feet downstream of Silver Heights Boulevard.	None	+6006	
Tributary No. 2 (Maude's Creek).	Approximately 800 feet upstream of Yellow Arrow Lane	None	+5853	Unincorporated Areas of Grant County.
	Approximately 1,900 feet upstream of Yellow Arrow Lane.	None	+5868	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

ADDRESSES

Unincorporated Areas of Grant County

Maps are available for inspection at 1400 Highway 180 East, Silver City, NM 88061.

Seminole County, Oklahoma, and Incorporated Areas

Tributary 3 of Magnolia Creek.	Approximately 1.3 miles upstream of confluence with Tributary 1 of Tributary 3 of Magnolia Creek.	+955	+953	Unincorporated Areas of Seminole County.
	Approximately 1.7 miles upstream of confluence with Tributary 1 of Tributary 3 of Magnolia Creek.	+966	+967	

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+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Seminole County

Maps are available for inspection at 110 South Wewoka Avenue, Wewoka, OK 74884.

Meigs County, Tennessee, and Incorporated Areas

Dake Branch	At the confluence with Watts Creek	None	+696	Unincorporated Areas of Meigs County.
	Approximately 0.8 miles upstream of the confluence with Watts Creek.	None	+696	
Decatur Branch	At the confluence of Decatur Creek	None	+732	Town of Decatur.
	Approximately 0.5 miles upstream of Church Lane	None	+745	
Decatur Creek	Approximately 0.5 miles downstream of State Highway 58.	None	+730	Town of Decatur.
	Approximately 605 feet upstream of State Highway 58	None	+742	
Watts Creek	At the confluence with Tennessee River	None	+696	Unincorporated Areas of Meigs County.
	Approximately 1.9 miles upstream of the confluence with Tennessee River.	None	+696	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Meigs County

Maps are available for inspection at the County Courthouse, 17214 State Highway 58 North, Decatur, TN 37322.

Town of Decatur

Maps are available for inspection at City Hall, 17454 State Highway 58 North, Decatur, TN 37322.

Burleson County, Texas, and Incorporated Areas

Copperas Hollow Creek	Approximately 0.3 miles upstream of Country Club Drive.	+366	+367	Unincorporated Areas of Burleson County.
	Approximately 630 feet downstream of the Burlington Northern Santa Fe Railroad.	+379	+378	
Elm Branch	At the confluence with Elm Branch	+339	+341	Unincorporated Areas of Burleson County.
Tributary 1	Just downstream of 10th Street	+371	+372	

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Stream TCA	Just downstream of the Burlington Northern Santa Fe Railroad.	+250	+246	Unincorporated Areas of Burleson County, City of Somerville.
	Approximately 650 feet upstream of County Road 422	+250	+254	
Stream TCB	At the confluence with Stream TCA	+250	+247	City of Somerville.
	Approximately 1,000 feet upstream of Avenue E	+250	+251	

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+ North American Vertical Datum.
# Depth in feet above ground.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Somerville

Maps are available for inspection at P.O. Box 159, Somerville, TX 77879.

Unincorporated Areas of Burleson County

Maps are available for inspection at 100 West Buck, Suite 306, Caldwell, TX 77836.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Edward L. Connor,

Acting Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–22111 Filed 9–14–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1069]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before December 14, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1069, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental

impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Fairbanks North Star Borough, Alaska, and Incorporated Areas				
Chena River	Just upstream of University Avenue	+431	+432	Fairbanks North Star Borough.
	Approximately 4.0 miles downstream of Parks Highway.	+431	+432	
Tanana River	Approximately 3.2 miles downstream of the confluence with the Chena River.	None	+427	Fairbanks North Star Borough.
	Approximately 37.3 miles upstream of the confluence with the Chena River.	None	+609	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Fairbanks North Star Borough

Maps are available for inspection at the Borough Administrative Center, 809 Pioneer Road, Fairbanks, AK 99701.

Pima County, Arizona, and Incorporated Areas				
Ponding Areas (AH Zones)	Extensive ponding areas north of I–10 Frontage Road (northern wash lowest elevation) (FIRM panels affected: 0420 and 1010).	None	+1,947	Town of Marana, Unincorporated Areas of Pima County.
	Extensive ponding areas north of I–10 Frontage Road (northern wash highest elevation) (FIRM panels affected: 0420 and 1010).	None	+1,952	
	Extensive ponding areas north of I–10 Frontage Road (southern wash lowest elevation) (FIRM panels affected: 1010, 1030, 1035, 1045, 1065, and 1655).	None	+1,948	
	Extensive ponding areas north of I–10 Frontage Road (southern wash highest elevation) (FIRM panels affected: 1010, 1030, 1035, 1045, 1065, and 1655).	None	+2,184	
Sheet Flow Areas (AO Zones).	Extensive sheet flow areas in the vicinity of Central Arizona Project Canal (lowest depth) (FIRM panels affected: 0420, 0440, 0445, 1010, 1030, 1035, 1045, 1055, 1060, 1065, 1070, and 1655).	None	#1	Town of Marana, Unincorporated Areas of Pima County.
	Extensive sheet flow areas in the vicinity of Central Arizona Project Canal (highest depth) (FIRM panels affected: 0420, 0440, 0445, 1010, 1030, 1035, 1045, 1055, 1060, 1065, 1070, and 1655).	None	#4	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Marana

Maps are available for inspection at the Engineering Department, 11555 West Civic Center Drive, Marana, AZ 85653.

Unincorporated Areas of Pima County

Maps are available for inspection at the Pima County Flood Control District Offices, 97 East Congress Street, 3rd Floor, Tucson, AZ 85701.

New Haven County, Connecticut, and Incorporated Areas

Bladens River (Upper Reach)	At a point located approximately 2,053 feet downstream of Bear Hill Road.	None	+230	Town of Seymour.
	At a point located approximately 1,903 feet downstream of Bear Hill Road.	None	+231	
Branford River (Lower Reach).	At a point located approximately 0.51 mile upstream of School Ground Road.	None	+31	Town of North Branford.
	At a point located approximately 0.64 mile upstream of School Ground Road.	None	+32	
Coginchaug River	At county boundary	None	+199	Town of Guilford.
	Approximately 26 feet upstream of county boundary	None	+199	
Cove River	At a point located approximately 0.44 mile upstream of Fresh Meadow Road.	None	+141	Town of Orange.
	At a point located approximately 0.58 mile upstream of Fresh Meadow Road.	None	+146	
Farm River	At a point located approximately 700 feet downstream of West Main Road (U.S. Route 1).	+11	+10	Town of East Haven, Town of Branford.
	At mouth of Farm River	+14	+15	
Housatonic River	At a point located approximately 1.7 miles upstream of Merritt Parkway.	+15	+14	City of Milford.
	At a point located approximately 2.2 miles upstream of Merrit Parkway.	+16	+14	
Mad River (Lower reach)	Approximately 73 feet upstream of Sharon Road	None	+461	City of Waterbury.
	Approximately 800 feet upstream of Sharon Road	None	+461	
Naugatuck River	At a point located approximately 0.65 miles downstream of Kinneytown Dam.	+44	+40	Town of Seymour.
	At a point located approximately 0.53 miles downstream of Kinneytown Dam.	+44	+43	
Neck River	Just downstream of Fort Path Road	+16	+15	Town of Madison, Town of Guilford.
	Approximately 0.8 mile upstream of Blinn Shed Road	None	+143	

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ADDRESSES

City of Milford

Maps are available for inspection at the Planning and Zoning Office, 70 West River Street, Milford, CT 06460.

City of Waterbury

Maps are available for inspection at the Public Works Department, 26 Kendrick Avenue, 2nd Floor, Waterbury, CT 06702.

Town of Branford

Maps are available for inspection at the Town Hall, 1019 Main Street, Branford, CT 06405.

Town of East Haven

Maps are available for inspection at the Engineering Office, 461 North High Street, East Haven, CT 06512.

Town of Guilford

Maps are available for inspection at the Guilford Town Hall South, 50 Boston Street, Guilford, CT 06437.

Town of Madison

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Maps are available for inspection at the Town Hall, 8 Campus Drive, Madison, CT 06443.

Town of North Branford

Maps are available for inspection at the Town Hall, 909 Foxon Road, North Branford, CT 06471.

Town of Orange

Maps are available for inspection at the Town Hall, 617 Orange Center Road, Orange, CT 06477.

Town of Seymour

Maps are available for inspection at the Town Hall, One 1st Street, Seymour, CT 06483.

Jo Daviess County, Illinois, and Incorporated Areas

Mississippi River Backwater	Third Street Channel, upstream side of the railroad	None	+610	City of East Dubuque.
	Approximately 200 feet northwest of First Street	None	+610	

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ADDRESSES

City of East Dubuque

Maps are available for inspection at City Hall, 303 Sinsinawa Avenue, East Dubuque, IL 61025.

Polk County, Iowa, and Incorporated Areas

Barrier Dam Pond	Entire shoreline	None	+846	Unincorporated Areas of Polk County, City of Polk.
Big Creek Lake	Entire shoreline	None	+926	Unincorporated Areas of Polk County.
Des Moines River	Approximately 1 mile downstream of 45th Street crossing.	+782	+783	City of Des Moines, City of Pleasant Hill, Unincorporated Areas of Polk County.
	At Interstate 80 crossing	+805	+806	
Fourmile Creek	At the confluence with the Des Moines River	+781	+782	City of Des Moines, City of Pleasant Hill, Unincorporated Areas of Polk County.
	Approximately 575 feet downstream of NE., 46th Avenue crossing.	+828	+829	
Little Creek (Backwater from Big Creek Lake).	Confluence with Big Creek Lake	None	+926	Unincorporated Areas of Polk County.
	Approximately 0.53 miles downstream of 146th Avenue.	None	+926	
Mosquito Creek (Backwater from Saylorville Lake).	Confluence with Saylorville Lake	None	+890	Unincorporated Areas of Polk County.
	Approximately 0.55 miles above 128th Street	None	+890	
Raccoon River	At the confluence with the Des Moines River	+795	+797	City of Des Moines, City of West Des Moines.
	At the City of Des Moines/City of West Des Moines boundary.	+813	+816	
Saylorville Lake	Entire shoreline	None	+890	Unincorporated Areas of Polk County, City of Johnston.
Turkey Creek (Backwater from Big Creek Lake).	Confluence with Big Creek Lake	None	+926	Unincorporated Areas of Polk County.
	Approximately 1,000 feet upstream from confluence with Big Creek Lake.	None	+926	
Walnut Creek	Approximately 650 feet downstream of 52nd Street crossing.	+808	+810	City of Des Moines, City of West Des Moines, City of Windsor Heights.
	At Center Street crossing	+824	+825	

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ADDRESSES

City of Des Moines
Maps are available for inspection at 400 Robert D. Ray Drive, Des Moines, IA 50309.

City of Johnston
Maps are available for inspection at 6221 Merle Hay Road, Johnston, IA 50131.

City of Pleasant Hill
Maps are available for inspection at 5160 Maple Drive, Pleasant Hill, IA 50327.

City of Polk
Maps are available for inspection at 112 3rd Street, Polk, IA 50226.

City of West Des Moines
Maps are available for inspection at 4200 Mills Civic Parkway, West Des Moines, IA 50265.

City of Windsor Heights
Maps are available for inspection at 1133 66th Street, Windsor Heights, IA 50311.

Unincorporated Areas of Polk County
Maps are available for inspection at 111 Court Avenue, Des Moines, IA 50309.

Calloway County, Kentucky, and Incorporated Areas

Anderson Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.7 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Bailey Hollow (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.5 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Bee Creek	Just upstream of confluence with Clarks River	None	+457	Unincorporated Areas of Calloway County, City of Murray.
	Just downstream of railroad	None	+463	
Beechy Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 1.5 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Blood River (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 2.8 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Blood River Tributary 1 (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.7 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Blood River Tributary 5 (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.6 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Brush Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.4 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Clarks River	Approximately 0.75 mile upstream of confluence with Clarks River Tributary 14.	None	+437	Unincorporated Areas of Calloway County, City of Murray.
	At confluence with East and Middle Fork Clarks River	None	+479	
Clayton Creek (Backwater effects from Clarks River).	From confluence with Clarks River to approximately 0.7 mile upstream of confluence with Clarks River.	None	+468	Unincorporated Areas of Calloway County.
Dog Creek (Backwater effects from Kentucky Lake).	From confluence with Blood River to approximately 0.8 miles upstream of confluence with Blood River.	None	+375	Unincorporated Areas of Calloway County.
East Fork Clarks River	At confluence with Clarks and Middle Fork Clarks River.	None	+479	Unincorporated Areas of Calloway County, City of Murray.
	Approximately 0.9 miles upstream of confluence with Middle Fork Clarks River.	None	+482	

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Goose Creek (Backwater effects from Kentucky Lake).	From confluence with Dog Creek to approximately 0.2 miles upstream of confluence with Dog Creek.	None	+375	Unincorporated Areas of Calloway County.
Grindstone Creek (Backwater effects from Kentucky Lake).	From confluence with Blood River Tributary 1 to approximately 0.2 miles upstream of confluence with Blood River Tributary 1.	None	+375	Unincorporated Areas of Calloway County.
Jonathan Creek (Backwater effects from Kentucky Lake).	From county boundary to approximately 1 mile upstream of county boundary.	None	+375	Unincorporated Areas of Calloway County.
Kentucky Lake	Entire shoreline of Kentucky Lake	None	+375	Unincorporated Areas of Calloway County.
Ledbetter Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.6 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Little Sugar Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.5 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Middle Fork Clarks River	At confluence with Clarks and East Middle Fork Clarks River.	None	+479	Unincorporated Areas of Calloway County, City of Murray.
	Approximately 1,000 feet downstream of US 641	None	+481	
Panther Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 1.1 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Shannon Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.6 miles upstream confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Snipe Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.4 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Sugar Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.8 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Sugar Creek Tributary 2 (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.5 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Tan Branch (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.7 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Tennessee River Tributary 75 (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.7 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Tennessee River Tributary 91 (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.5 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Tributary 1 to Clarks River	At confluence with Clarks River	None	+470	Unincorporated Areas of Calloway County.
	Approximately 1,800 feet upstream of confluence with Clarks River.	None	+473	
Tributary to Middle Fork Clarks River.	At confluence with Middle Fork Clarks River	None	+479	Unincorporated Areas of Calloway County.
	Approximately 1,700 feet upstream of confluence with Middle Fork Clarks River.	None	+484	
Wildcat Creek (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 1.2 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.
Yellow Spring Branch (Backwater effects from Kentucky Lake).	From confluence with Kentucky Lake to approximately 0.4 miles upstream of confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Calloway County.

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ADDRESSES

City of Murray
Maps are available for inspection at 104 North 5th Street, Murray, KY 42071.

Unincorporated Areas of Calloway County
Maps are available for inspection at 101 South 5th Street, Murray, KY 42071.

Clare County, Michigan, and Incorporated Areas				
Budd Lake	Entire shoreline of Budd Lake	None	+1,114	City of Harrison, Township of Hayes.
Doc and Tom Lake	Entire shoreline of Doc and Tom Lake	None	+1,067	Township of Freeman.
Eight Point Lake	Entire shoreline of Eight Point Lake	None	+1,053	Township of Garfield.
Grass Lake	Entire shoreline of Grass Lake	None	+1,081	Township of Freeman.
Lake Shamrock	Entire shoreline of Lake Shamrock	None	+826	City of Clare, Township of Grant.
Surrey Lake	Entire shoreline of Surrey Lake	None	+958	Township of Surrey.

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Send comments to William R. Blanton, Jr., Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Clare
Maps are available for inspection at 202 West 5th Street, Clare, MI 48617.

City of Harrison
Maps are available for inspection at 229 East Beech Street, Harrison, MI 48625.

Township of Freeman
Maps are available for inspection at 7280 West Mannsiding Road, Lake, MI 48632.

Township of Garfield
Maps are available for inspection at 9348 Terry Street, Lake, MI 48632.

Township of Grant
Maps are available for inspection at 3022 Surrey Road, Clare, MI 48617.

Township of Hayes
Maps are available for inspection at 2051 East Townline Lake Road, Harrison, MI 48625.

Township of Surrey
Maps are available for inspection at 110 East Michigan Street, Farwell, MI 48622.

Cibola County, New Mexico, and Incorporated Areas				
Grants Canyon Creek	At the confluence with Rio San Jose	+6,426	+6,429	City of Grants.
	Approximately 900 feet upstream of De Norte Blvd	+6,490	+6,495	
Rio San Jose	Approximately 1,900 feet downstream of the Burling Northern Santa Fe Railroad.	+6,409	+6,412	City of Grants, Unincorporated Areas of Cibola County, Village of Milan.
	Just upstream of Stanley Avenue	+6,529	+6,533	
Zuni Canyon	At the confluence with the Rio San Jose	+6,505	+6,506	City of Grants, Unincorporated Areas of Cibola County, Village of Milan.
	Approximately 0.5 miles upstream of North Quail Lane.	None	+6,545	

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ADDRESSES

City of Grants

Maps are available for inspection at 600 West Santa Fe Avenue, Grants, NM 87020.

Unincorporated Areas of Cibola County

Maps are available for inspection at Rural Addressing, 515 West High Street, Grants, NM 87020.

Village of Milan

Maps are available for inspection at the Milan Court System Building, 628 Uranium Avenue, Milan, NM 87021.

San Miguel County, New Mexico, and Incorporated Areas

Arroyo Hermanos	At the confluence with Gallinas Creek	+6,438	+6,448	City of Las Vegas.
	Just downstream of Lopez Street	+6,491	+6,493	
Arroyo Pajarito	At the confluence with Gallinas Creek	+6,418	+6,415	City of Las Vegas.
	Just downstream of Salazar Street	+6,472	+6,476	
Arroyo Pecos	Approximately 0.8 miles downstream of East Frontage Road.	None	+6,381	City of Las Vegas, Unincorporated Areas of San Miguel County.
	Just upstream of Las Vegas Boulevard	None	+6,458	
Gallinas Creek	Just upstream of Interstate 25	None	+6,381	City of Las Vegas, Unincorporated Areas of San Miguel County.
	Approximately 0.4 miles downstream of El Camino Road.	None	+6,515	

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ADDRESSES

City of Las Vegas

Maps are available for inspection at San Miguel County Planning and Zoning Office, 500 West National Street, Third Floor, Las Vegas, NM 87701.

Unincorporated Areas of San Miguel County

Maps are available for inspection at the County Assessor's Office, 500 West National Street, Suite 105, Las Vegas, NM 87701.

Custer County, Oklahoma, and Incorporated Areas

Tributary 1 (Unnamed stream).	Approximately 600 feet upstream of confluence with Tributary 2.	None	+1,491	Unincorporated Areas of Custer County.
	Approximately 200 feet downstream of Terrace Drive	None	+1,527	
Tributary 2 (Unnamed stream).	Approximately 500 feet upstream of confluence with Tributary 1.	None	+1,499	Unincorporated Areas of Custer County.
	Just upstream of South 13th Street	None	+1,537	
Washita River	Approximately 0.61 miles downstream of State Highway 40.	None	+1,484	Unincorporated Areas of Custer County.
	Approximately 1.04 miles upstream of Highway 183	None	+1,495	

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ADDRESSES				
Unincorporated Areas of Custer County				
Maps are available for inspection at the County Courthouse, 675 B Street, Arapaho, OK 73620.				
Lawrence County, South Dakota, and Incorporated Areas				
Hungry Hollow Gulch	Approximately 350 feet downstream of Ames Avenue	+3,634	+3,632	City of Spearfish.
	Approximately 645 feet upstream of St. Joe Street	+3,697	+3,699	
Ice House Creek	Approximately 25 feet upstream of Grant Street	None	+3,658	City of Spearfish.
	Approximately 50 feet upstream of State Street	None	+3,686	
Ice House Creek Tributary A	Approximately 73 feet downstream of 8th Street	None	+3,663	City of Deadwood.
	Approximately 150 feet downstream of State Street	None	+3,671	
Riggs Gulch	Approximately 200 feet downstream of US Highway 14A.	None	+3,764	City of Spearfish.
	Approximately 920 feet upstream of Colorado Boulevard.	None	+3,843	
Spearfish Creek	Just downstream of Utah Boulevard	+3,569	+3,570	City of Spearfish, Unincorporated Areas of Lawrence County.
	Approximately 1,300 feet upstream of Winterville Drive.	+3,725	+3,726	
Unnamed Tributary to Higgins Gulch.	Approximately 4,430 feet downstream of Interstate 90 West ramp.	None	+3,440	City of Spearfish.
	Approximately 1,500 feet downstream of Interstate 90 West ramp.	None	+3,491	

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ADDRESSES

City of Deadwood
Maps are available for inspection at 62½ Dunlap Street, c/o Jim Winterton, Deadwood, SD 57732.

City of Spearfish
Maps are available for inspection at 625 5th Street, c/o Community Map Repository, Spearfish, SD 57783.

Unincorporated Areas of Lawrence County
Maps are available for inspection at 90 Sherman Street, c/o Map Repository, Deadwood, SD 57732.

Spink County, South Dakota, and Incorporated Areas				
James River	Approximately 2.8 miles upstream of 188th Street	None	+1,253	Unincorporated Areas of Spink County.
	Approximately 7,920 feet downstream of 149th Street	None	+1,275	

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ADDRESSES

Unincorporated Areas of Spink County
Maps are available for inspection at 210 East 7th Avenue, Redfield, SD 57469.

Gonzales County, Texas, and Incorporated Areas				
Baldridge Creek	Approximately 1 mile downstream of Highway 97	None	+350	Unincorporated Areas of Gonzales County.

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	Approximately 1,400 feet upstream of US Highway 90 West.	None	+368	
Guadalupe River	At the confluence with Tinsley Creek	None	+278	City of Gonzales, Unincorporated Areas of Gonzales County.
	Approximately 1.4 miles downstream of County Road 466.	None	+286	
Tinsley Creek	Approximately 530 feet upstream of Weimer Street	None	+294	City of Gonzales.
	Just upstream of Sarah DeWitt Drive	None	+303	

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ADDRESSES

City of Gonzales
Maps are available for inspection at P.O. Box 547, Gonzales, TX 78629.

Unincorporated Areas of Gonzales County
Maps are available for inspection at 414 Saint Joseph Street, Gonzales, TX 78629.

Caldwell County, Texas, and Incorporated Areas

Plum Creek	Just downstream of Hays County Boundary	None	+538	City of Uhland.
	Approximately 1,465 feet downstream of Hays County Boundary.	None	+540	

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ADDRESSES

City of Uhland
Maps are available for inspection at 17 Cotton Gin Road, Uhland, TX 78640.

Lavaca County, Texas, and Incorporated Areas

Lavaca River	At the Confluence with Rickaway Branch	None	+213	Unincorporated Areas of Lavaca County.
	Approximately 300 feet downstream of confluence with Campbell Branch.	None	+229	
Rickaway Branch	Approximately 2,500 feet upstream of confluence with Lavaca River.	None	+213	Unincorporated Areas of Lavaca County.
	Approximately 0.66 miles upstream of Cemetery Road.	None	+239	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
ADDRESSES				
Unincorporated Areas of Lavaca County				
Maps are available for inspection at 201 North La Grange Street, P.O. Box 243, Hallettsville, TX 77964.				
Montague County, Texas, and Incorporated Areas				
Cowskin Creek	Approximately 1,500 feet downstream of the Wise County Line.	None	+921	Unincorporated Areas of Montague County.
	Just downstream of the Wise County Line	None	+931	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Montague County

Maps are available for inspection at 101 East Franklin Street, Montague, TX 76251.

Sanpete County, Utah, and Incorporated Areas				
South Creek	Approximately 362 feet east of 100 S	None	+5,531	Unincorporated Areas of Sanpete County, City of Manti.
	Approximately 596 feet upstream of the confluence with Manti Creek.	None	+5,838	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Manti

Maps are available for inspection at City Hall, 50 South Main Street, Manti, UT 84642.

Unincorporated Areas of Sanpete County

Maps are available for inspection at the County Building and Zoning Office, 160 North Main Street, Manti, UT 84642.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Edward L. Connor,

Acting Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–22135 Filed 9–14–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1068]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for

participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before December 14, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1068, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Franklin County, Arkansas, and Incorporated Areas				
Flooding Effects of Arkansas River into a previous shaded X zone downstream of the confluence of White Oak Creek.	Approximately 682 feet downstream of the Missouri Pacific Railroad.	None	+382	Unincorporated Areas of Franklin County.
	Just downstream of the Missouri Pacific Railroad	None	+382	
Flooding effects of the Arkansas River into a previous shaded X zone downstream of the confluence of White Oak Creek.	Approximately 0.5 miles downstream of the Missouri Pacific Railroad.	None	+381	Unincorporated Areas of Franklin County.
	Just downstream of the Missouri Pacific Railroad	None	+381	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Franklin County

Maps are available for inspection at 211 West Commercial Street, Ozark, AR 72949.

Marshall County, Illinois, and Incorporated Areas

Illinois River	Approximately 0.57 miles downstream of Illinois State Highway 18.	None	+461	City of Henry.
	Approximately 0.69 miles upstream of Illinois State Highway 18.	None	+461	
Illinois River	Approximately 0.73 miles downstream of Illinois State Highway 17.	None	+461	City of Lacon.
	Approximately 0.83 miles upstream of Illinois State Highway 17.	None	+461	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Henry

Maps are available for inspection at City Hall, 426 East Park Row, Henry, IL 61537.

City of Lacon

Maps are available for inspection at City Hall, 406 5th Street, Lacon, IL 61540.

Cass County, Iowa, and Incorporated Areas

Baughmans Creek	Just upstream of 540th Street	None	+1,091	Unincorporated Areas of Cass County.
	Approximately 900 feet downstream of Adair Street	None	+1,098	
	Approximately 400 feet downstream of Main Street	None	+1,103	
	Approximately 650 feet upstream of Main Street	None	+1,106	
East Nishnabotna River	Just upstream of Jasper Road	None	+1,136	Unincorporated Areas of Cass County.
	Just downstream of the confluence with Troublesome Creek.	None	+1,154	
Troublesome Creek	Just upstream of the confluence with East Nishnabotna River.	None	+1,154	Unincorporated Areas of Cass County.
	Just upstream of Olive Street	None	+1,154	
	Approximately 0.4 miles upstream of 635th Street	None	+1,163	
	Approximately 0.5 miles upstream of 635th Street	None	+1,163	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Cass County

Maps are available for inspection at 5 West 7th Street, Atlantic, IA 50022.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Natchitoches Parish, Louisiana, and Incorporated Areas				
Bayou Jacko	Just upstream of Lafayette Street	None	+110	Unincorporated Areas of Natchitoches Parish.
	Approximately 200 feet upstream of Bowena Street	None	+124	
Bayou Julien Tributary	Approximately 725 feet upstream of State Highway 478.	None	+107	Unincorporated Areas of Natchitoches Parish.
	Just downstream of Fairgrounds Road	None	+114	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Natchitoches Parish

Maps are available for inspection at the Police Jury, 200 Church Street, Natchitoches, LA 71457.

Winston County, Mississippi, and Incorporated Areas				
Hughes Creek	Approximately 1,193 feet upstream from the confluence of Stream 2.	None	+487	Unincorporated Areas of Winston County.
	Approximately 1,534 feet upstream from the confluence of Stream 2.	None	+488	
Stream 1	Approximately 96 feet downstream of Files Road	None	+497	Unincorporated Areas of Winston County.
	Approximately 222 feet upstream of Files Road	None	+498	
Stream 2	Approximately 1,079 feet upstream from the confluence of Hughes Creek.	None	+484	Unincorporated Areas of Winston County.
	Approximately 1,380 feet upstream from the confluence of Hughes Creek.	None	+485	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Winston County

Maps are available for inspection at the County Courthouse, 115 West Main Street, Louisville, MS 39339.

Adair County, Oklahoma, and Incorporated Areas				
8th Street Tributary	At the confluence of Caney Creek and 8th Street Tributary.	None	+1,055	Unincorporated Areas of Adair County, City of Stilwell.
	Just downstream of 8th Street	None	+1,069	
Caney Creek	Approximately 1,926 feet downstream of the 4696 Road.	None	+977	Unincorporated Areas of Adair County, City of Stilwell.
	Just upstream of Oklahoma Street	+1,111	+1,118	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Stilwell

Maps are available for inspection at 503 West Division Street, City Clerk's Office, Stilwell, OK 74960.

Unincorporated Areas of Adair County

Maps are available for inspection at Commissioners Office, 2nd and Division Street, Stilwell, OK 74960.

Perry County, Tennessee, and Incorporated Areas

Tennessee River	Approximately 15 miles downstream of U.S. Highway 412.	None	+375	Unincorporated Areas of Perry County.
	Approximately 18.2 miles upstream of U.S. Highway 412.	None	+386	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Perry County

Maps are available for inspection at 121 East Main Street, Linden, TN 37096.

Hill County, Texas, and Incorporated Areas

Hackberry Creek	Approximately 1,000 feet downstream of Tributary of Hackberry Creek.	None	+557	Unincorporated Areas of Hill County.
	Just upstream of confluence with Little Hackberry Creek.	None	+563	
Little Hackberry Creek	At the confluence of Hackberry Creek	None	+563	Unincorporated Areas of Hill County.
	Approximately 1,500 feet upstream of confluence with Pecan Creek.	None	+568	
Pecan Creek	At the confluence of Little Hackberry Creek	None	+568	Unincorporated Areas of Hill County.
	Just upstream of State Highway 171	None	+579	
Stream WC–1A	Approximately 850 feet upstream of State Highway Spur 180.	None	+587	Unincorporated Areas of Hill County.
	Approximately 750 feet downstream of County Road 1244.	None	+597	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Hill County

Maps are available for inspection at the Hill County Courthouse, 201 East Franklin Street, Hillsboro, TX 76645.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Upshur County, Texas, and Incorporated Areas				
Victory Branch	Approximately 680 feet downstream of Salt Water Road.	None	+315	Unincorporated Areas of Upshur County.
	Approximately 650 feet downstream of Salt Water Road.	None	+315	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Upshur County

Maps are available for inspection at the County Courthouse, 100 West Tyler Street, Gilmer, TX 75644.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Edward L. Connor,

Acting Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–22112 Filed 9–14–09; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register

Vol. 74, No. 177

Tuesday, September 15, 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

Rural Housing Service

Notice of Acceptance of Proposals for the Section 538 Multi-Family Housing Guaranteed Rural Rental Housing Program (GRRHP) Demonstration Program for Fiscal Year 2009

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: Through this Notice, the Agency announces the implementation of a demonstration program under the section 538 Guaranteed Rural Rental Housing Program (GRRHP) pursuant to 7 CFR 3565.4 for Fiscal Year (FY) 2009 and 7 CFR 3565.17 demonstration programs. The Demonstration Program's purpose is to test the viability and efficacy of the concept of a continuous loan note guarantee through the construction and permanent loan financing phases of a project. Those applications that meet the Demonstration Program's qualifying criteria and are selected to participate will be offered one loan note guarantee upon closing of the construction loan that will be in effect throughout both of the project's construction and permanent phases without interruption.

The Agency will permit approximately $10 million in previously obligated program loan authority to participate in this Demonstration Program. Expenses incurred in developing applications will be at the applicant's risk. The following paragraphs outline the timeframes, eligibility requirements, lender responsibilities, and the overall response and application processes.

Eligible Lenders wishing to have their GRRHP obligated, but unfunded guaranteed 538 applications considered for the FY 2009 Demonstration Program must send a signed request on its letterhead with the proposed project details as outlined in the ''Demonstration Program Response Submission Address'' section of this Notice. No other applications will be considered.

Demonstration Program Guidelines

The following guidelines are being provided to facilitate a structured implementation of the program:

1. Demonstration guarantee. The Demonstration guarantee is a guarantee that will be offered to selected lenders who submit applications in response to this Notice. The Demonstration guarantee will consist of one loan note guarantee that will be issued upon closing of the construction loan and will be in effect throughout both of the project's construction and permanent financing phases without interruption.

2. Upon approval of an eligible previously obligated guaranteed 538 application from an approved lender, the Agency will modify the outstanding conditional commitment to provide a demonstration guarantee for the construction and permanent financing phases of the project, subject to the availability of funds.

3. Guarantee percentage and payment. Both construction loan advances and permanent loans are eligible for a guarantee subject to the following limitations:

Construction loan advances and permanent loans. The Agency can guarantee the ''construction and permanent'' financing phases of a project. The Agency cannot, however, guarantee only the ''construction'' financing phase of a project. Guarantees under the demonstration guarantee will cover construction loan advances and the subsequent permanent loan. The maximum guarantee of construction advances will not at any time exceed the lesser of 90 percent of the amount of principal and interest up to default advanced for eligible uses of loan proceeds or 90 percent of the original principal amount and interest up to default of a loan. Penalties incurred as a result of default are not covered by the guarantee. The Agency may provide a lesser guarantee based upon its evaluation of the credit quality of the loan.

4. A lender making a construction loan must demonstrate an ability to originate and service construction loans.

5 Guarantee during construction. The Agency will issue a demonstration guarantee only to an approved lender.

6. Demonstration guarantee program compliance requirement. For a demonstration guarantee, after the loan note guarantee is issued, the following items will have to be submitted and approved by the Agency within the timeframe stipulated by the Agency:

(i) A certificate of substantial completion;

(ii) A certificate of occupancy or similar evidence of local approval;

(iii) A final cost certification in a form acceptable to the Agency;

(iv) A complete copy of the permanent loan closing docket, if a separate closing is conducted for the permanent loan; and

(v) Any other information necessary for the Agency to comply with its regulations.

Items (i), (ii) and (iii) are only required if the project is constructed. To facilitate the implementation of the program, certain program forms may be addended to include relevant Demonstration Program requirements.

The selected applicants will be subject to the Demonstration Program guidelines in this Notice, and GRRHP's controlling statute, regulations, and handbook as amended. The GRRHP operates under the Housing Act of 1949, as amended, and regulations at 7 CFR part 3565. The GRRHP Origination and Servicing Handbook (HB–1–3565) is available to provide lenders and the general public with guidance on program administration. HB–1–3565, which contains a copy of 7 CFR part 3565 in Appendix 1, can be found at the Rural Development Instructions Web site address *http://www.rurdev.usda.gov/regs/hblist.html#hbw6.*

Demonstration Program Eligibility: GRRHP obligated applications that meet the following criteria will be eligible for consideration to be selected into the Demonstration Program:

1. The project must have been awarded and continue to receive Low Income Housing Tax Credits.

2. The project must have a loan to cost (LTC) ratio equal to or lower than 50%.

3. The Lender must have submitted a timely response to this Notice in accordance with the ''Demonstration Program Response Submission Address'' section of this Notice.

4. A Lender must have submitted its application under the GRRHP 2008 Notice published February 4, 2008,

Volume 73 FR 6469–6477, the GRRHP 2009 Notice published January 21, 2009, Volume 74 FR, 3551–3558, or the GRRHP 2009 Notice published on June 26, 2009, Volume 74 FR, 30503–30510.

5. The application to be considered must have been obligated from October 1, 2008 to December 18, 2009. However, if Demonstration funds have not been fully utilized by December 18, 2009, the Agency may consider applications obligated on or after October 1, 2007.

6. The Lender must not have closed the construction loan prior to its selection to participate in the Demonstration Program.

Demonstration Program Selection Process

Selections from qualified applications that have requested consideration and met all requirements for this Demonstration Program will be based on priority scores they received on their previously submitted applications, with the highest scoring applications, being selected first, until all available Demonstration Program Authority is used. In the event of a tie, priority will be given to the application that: is in the smaller rural community, and in case of a subsequent tie to the application that has the lowest LTC ratio.

The first round of selections into the Demonstration Program will be made on

September 18, 2009. In the event there are not enough qualified requests for selection into the Demonstration Program to utilize all the available Demonstration Program Authority, then until all funds are exhausted, an additional selection process will be conducted on the 3rd Friday of each the month starting October 16, 2009, with December 18, 2009 being the last selection date. All applicants will be notified of the selection results no later than 30 business days from the date of selection.

Demonstration Program Response Submission Address

Eligible lenders wishing to have their obligated applications considered for selection into the Demonstration Program must submit a signed request (not to exceed one page) on its letterhead that includes the following information:

1. Developer's Name
2. Borrower's Name
3. Project's Name
4. Project's Address (City and State)
5. Project Type (Family, Senior, or Mixed)
6. Project's Total Units
7. Project's Total Development Cost (TDC)
8. Amount of 538 Loan Guarantee
9. Amount of Tax Credits Awarded
10. Amount and Source of Other Financing
11. Loan to Cost (LTC) %
12. Area Population
13. Date obligated or date of Conditional Commitment

Send the Demonstration Program Response Submission Letter with all of the information listed above, along with a copy of the State Office's ''Proceed with Application/NOFA Response Selection'' letter and a copy of the tax credit award notification to: Tammy S. Daniels, Financial and Loan Analyst, Multi-Family Housing Guaranteed Loan Division, Guaranteed Rural Rental Housing Program, USDA Rural Development, South Agriculture Building, Room 1233, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250–0781.

Requests may also be faxed to 202–690–3444 or sent by e-mail (signed PDF copies of the above submissions) to *tammy.daniels@wdc.usda.gov.* Eligible lenders mailing a request must provide sufficient time to permit delivery to the *Submission Address.* If all the funds set aside for the Demonstration Program have not been utilized, the Agency will continue to accept requests for inclusion into the FY 2009 Demonstration Program until December 17, 2009. Acceptance by a U.S. Post Office or private mailer does not constitute delivery. Postage due responses and applications will not be accepted.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements contained in this Notice is approved by the Office of Management and Budget (OMB) under OMB Control Number 0575–0174.

Nondiscrimination Statement

''The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, marital status or family status (not all prohibited basis apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's Target Center at (202) 720–2600 (voice or TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326–W, Whitten Building, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call toll free, (866) 632–9992 (Voice). TDD users can contact USDA through local relay (800) 720–6382 (TDD) or (866) 377–8642 (relay voice users). USDA is an equal opportunity provider and employer.''

Dated: September 3, 2009.

Sylvia Bolivar,

Acting Administrator, Rural Housing Service.

[FR Doc. E9–21859 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection; Disaster Assistance (General)

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is seeking comments from all interested individuals and organizations on an extension and revision of a currently approved information collection associated with Disaster Assistance programs. The information collection is needed to identify disaster areas and establish eligibility for both primary and contiguous counties for assistance from FSA. This assistance includes FSA emergency loans and the Supplemental Revenue Assistance Payments (SURE) program (required by the 2008 Farm Bill) that are available to eligible and qualified farmers and ranchers. SURE provides assistance to eligible producers who suffered crop production or crop quality losses, or both due to natural disaster. The total burden hours have been revised to reflect the number of Secretarial requests for natural disaster assistance during the 2008 crop year.

DATES: Comments must be received on or before November 16, 2009. Comments received after that date will be considered to the extent practicable.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include date, volume, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Mail:* Candance Thompson, Acting Director, Production, Emergencies and Compliance Division, to Farm Service Agency, USDA, Mail Stop 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517
- *E-mail:* *Candy.Thompson@wdc.usda.gov.*
- *Fax:* (202) 690–2130.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the

information collection may be requested by contacting Candance Thompson at the above addresses.

FOR FURTHER INFORMATION CONTACT: Steve Peterson, Branch Chief, Disaster Assistance Branch, (202) 720–5172.

SUPPLEMENTARY INFORMATION:

Description of Information Collection

Title: Disaster Assistance Program (General).

OMB Number: 0560–0170.

Expiration Date of Approval: February 28, 2010.

Type of Request: Extension with revision.

Abstract: The information collection is necessary for FSA to effectively administer the regulations relating to identifying disaster areas for the purpose of making emergency loans and administering the SURE program. These programs are available to qualified and eligible farmers and ranchers who have suffered weather-related physical or production losses or both in such areas. Before emergency loans or payments under SURE can be made, the information needs to be collected to determine if the disaster areas meet the criteria of having a qualifying loss in order to be considered as an eligible County.

Estimated of Burden: Average 0.483 hour per response.

Type of Respondents: Farmers and ranchers.

Estimated Annual Number of Respondents: 1,831.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 883.

We are requesting comments on all aspects of this information collection, including the following to help us to:

(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 burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected;

(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.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Signed in Washington, DC, on September 3, 2009.

Jonathan W. Coppess,

Administrator, Farm Service Agency.

[FR Doc. E9–22116 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2009–0068]

Notice of Request for Extension of Approval of an Information Collection; Permanent, Privately Owned Horse Quarantine Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

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

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for permanent, privately owned horse quarantine facilities.

DATES: We will consider all comments that we receive on or before November 16, 2009.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2009–0068* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2009–0068, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2009–0068.

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

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

FOR FURTHER INFORMATION CONTACT: For information on regulations for permanent, privately owned horse quarantine facilities, contact Dr. Ellen Buck, Staff Veterinary Medical Officer, Equine Imports, National Center for Import and Export, VS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 734–5097. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Permanent, Privately Owned Horse Quarantine Facilities.

OMB Number: 0579–0313.

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

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and animal products to prevent the introduction into and dissemination within the United States of livestock diseases and pests. To carry out this mission, APHIS regulates the importation of animals and animal products into the United States. The regulations are contained in title 9, parts 92 through 98, of the Code of Federal Regulations.

The regulations in 9 CFR part 93 require, among other things, that certain animals, as a condition of entry, be quarantined upon arrival in the United States. APHIS operates animal quarantine facilities and also authorizes the use of quarantine facilities that are privately owned and operated for certain animal importations.

The regulations in subpart C of part 93 pertain to the importation of horses and include requirements for privately owned quarantine facilities for horses. These requirements entail certain information collection activities, including environmental certification, application for facility approval, service agreements, requests to APHIS concerning withdrawal of approval, notification to APHIS of facility closure, compliance agreements, security procedures, alarm notification, lists of personnel, signed statements, daily logs, and requests for variance.

We are asking the Office of Management and Budget (OMB) to

approve our use of these information collection activities for an additional 3 years.

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

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.75 hours per response.

Respondents: Applicants who apply for facility approval; owners/operators of permanent, privately owned horse quarantine facilities; facility employees; authorities who issue environmental certifications; employees of security companies.

Estimated annual number of respondents: 11.

Estimated annual number of responses per respondent: 2.5454.

Estimated annual number of responses: 28.

Estimated total annual burden on respondents: 21 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 4th day of September 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–22226 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2009–0037]

Determination of Pest-Free Areas in the Republic of South Africa; Request for Comments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice; extension of comment period.

SUMMARY: We are extending the comment period for our notice that would recognize 16 additional magisterial districts in 3 provinces as pest-free areas for citrus black spot in the Republic of South Africa. This action will allow interested persons additional time to prepare and submit comments.

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

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2009–0037* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2009–0037, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2009–0037.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Phillip B. Grove, Regulatory Coordination Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 141, Riverdale, MD 20737; (301) 734–6280.

SUPPLEMENTARY INFORMATION: On July 27, 2009, we published in the **Federal Register** (74 FR 36999–37000, Docket No. APHIS–2009–0037) a notice of determination to recognize 16 additional magisterial districts in 3 provinces as pest-free areas for citrus black spot in the Republic of South Africa.

Comments on the notice were required to be received on or before September 25, 2009. We are extending the comment period on Docket No. APHIS–2009–0037 until October 13, 2009. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 3rd day of September 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–22225 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Virginia State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standard: #528, Prescribed Grazing. This practice will be used to plan and install conservation practices.

DATES: Comments will be received for a 30-day period commencing with this date of publication.

FOR FURTHER INFORMATION CONTACT: John A. Bricker, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229–5014; Telephone number (804) 287–1691; Fax number (804) 287–1737. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site: *http://www.va.nrcs.usda.gov/technical/draftstandards.html.*

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: September 1, 2009.

John A. Bricker,

State Conservationist, Natural Resources Conservation Service, Richmond, Virginia.

[FR Doc. E9–22122 Filed 9–14–09; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL SCIENCE FOUNDATION

[Docket No. 0906261096–91224–02]

RIN 0648–ZC08

Comparative Analysis of Marine Ecosystem Organization; Amendment

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

ACTION: Notice of funding availability; amended solicitation.

SUMMARY: NOAA and NSF publish this notice to amend the Federal Funding Opportunity (NOAA-NMFS-FHQ–2009–2001734) entitled ''Comparative Analysis of Marine Ecosystem Organization (CAMEO)'' which was originally announced in the **Federal Register** on July 7, 2009. This notice announces changes to the program priorities.

DATES: Full proposals must be received and validated by Grants.gov, postmarked, or provided to a delivery service on or before 11:59 p.m. ET, October 5, 2009. Please note: Validation or rejection of your application by Grants.gov may take up to 2 business days after submission. Please consider this process in developing your submission timeline. Applications received after the deadline will be rejected/returned to the sender without further consideration. Use of U.S. mail or another delivery service must be documented with a receipt. No facsimile or electronic mail applications will be accepted.

ADDRESSES: Electronic application packages are strongly encouraged and are available at: *http://www.grants.gov/*. If the applicant's only mode of submitting a proposal is via paper application, or if the applicant has difficulty accessing Grants.gov or downloading the required forms, they should contact: Lora Clarke, CAMEO, NOAA Fisheries, 1315 East-West Highway, Room 14505, Silver Spring, MD, 20910 or by phone at (301) 713 2239, or via internet at *Lora.Clarke@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Michael Ford, CAMEO Program Manager, NOAA/NMFS, (301) 713 2239, *Michael.Ford@noaa.gov*; Lora Clarke, Associate Program Manager, NOAA/NMFS, (301) 713 2239, *Lora.Clarke@noaa.gov*; Cynthia Suchman, Associate Program Director, Biological Oceanography, OCE/GEO/NSF, (703) 292 8582, *csuchman@nsf.gov*; David Garrison, Program Director, Biological Oceanography, OCE/GEO/NSF, (703) 292 8582, *dgarriso@nsf.gov*.

SUPPLEMENTARY INFORMATION: NOAA and NSF publish this notice to inform the public of an amendment to the solicitation ''Comparative Analysis of Marine Ecosystem Organization (CAMEO)'' announced in the **Federal Register** on July 7, 2009 (74 FR 32112). Due to an error, only four of the five program priorities were announced in the original solicitation. The Full Funding Opportunity is amended to read:

Program Priorities

This funding opportunity will implement CAMEO research by supporting the development of research tools and strategic approaches. The following types of proposals are encouraged:

1. Development of strategies and methodologies for comparative analyses that can be applied consistently across spatial and temporal scales and ecosystems, and that facilitate the design of decision support tools for marine populations, ecosystems and habitats.

2. Development of models that address key scientific questions by comparing ecosystems and ecosystem processes. Models that are geographically and temporally portable, and that incorporate assessment of modeling skill, are particularly encouraged.

3. Retrospective studies that analyze, re-analyze or synthesize existing information (historic, time-series, ongoing program, etc.) using a comparative approach.

4. Studies that integrate the human dimension within ecosystem dynamics. The CAMEO program seeks to promote interdisciplinary research using comparative approaches to link marine ecosystem research with the social and behavioral sciences in new and vital ways.

5. Empirical or retrospective projects that evaluate and compare the effectiveness and design of Marine Protected Areas or other spatially-explicit management strategies.

All information and requirements published in the **Federal Register** on July 7, 2009 apply to applications submitted pursuant to this notice. Under this amended solicitation, NOAA and NSF allow for modifications to applications already received under the initial announcement. Any proposal that has been submitted to the initial solicitation prior to September 15, 2009 may be resubmitted to reflect this change in program priorities. Applicants may revise proposals to address this change; however, any revisions to such proposals must be submitted by the original deadline.

The following sections of that Federal Funding Opportunity have been amended to reflect the changes announced in this notice: ''Program Priorities''.

Electronic Access

The full text of the full funding opportunity announcement for this program can be accessed via the Grants.gov web site at *http://www.grants.gov*. The announcement will also be available by contacting the program officials identified under **FOR FURTHER INFORMATION CONTACT**. Applicants must comply with all requirements contained in the full funding opportunity announcement.

Statutory Authority

Authority for CAMEO is provided by the following: 33 U.S.C. 1442 for the National Marine Fisheries Service and 42 U.S.C. 1861 75 for the National Science Foundation.

CFDA: 11.472, Unallied Science Program

Limitation of Liability

In no event will NOAA, the Department of Commerce or the National Science Foundation be responsible for proposal preparation

costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA or NSF to award any specific project or to obligate any available funds.

National Environmental Policy Act (NEPA)

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: *http://www.nepa.noaa.gov/*, including our NOAA Administrative Order 216–6 for NEPA, *http://www.nepa.noaa.gov/NAO216_6_TOC.pdf*, and the Council on Environmental Quality implementation regulations, *http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm*. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in the drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF-LLL and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: September 9, 2009.

Steven A. Murawski,

NOAA Fisheries, Chief Scientific Advisor, Director of Scientific Programs.

Dated: September 8, 2009.

Phillip R. Taylor,

Section Head, Ocean Section, Division of Ocean Sciences, National Science Foundation.

[FR Doc. E9–22177 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Extension of Preliminary Results of Antidumping Duty New Shipper Review

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

SUMMARY: The Department of Commerce (''Department'') is extending the time limit for the preliminary results of the new shipper review of certain frozen warmwater shrimp (''shrimp'') from the Socialist Republic of Vietnam (''Vietnam''). This review covers the period February 1, 2008 through January 31, 2009.

EFFECTIVE DATE: September 15, 2009.

FOR FURTHER INFORMATION CONTACT: Toni Dach or Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1655 or (202) 482–0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 27, 2009, the Department published a notice of initiation of the new shipper review in the antidumping duty order on shrimp from Vietnam for Nhat Duc Co., Ltd.. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review*, 74 FR 13416 (March 27, 2009). The preliminary results of this review are currently due no later than September 16, 2009.

Statutory Time Limits

In antidumping duty new shipper reviews, section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214(i)(1) requires the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results within 90 days after the date on which the preliminary results are issued. However, the Department may extend the deadline for completion of the preliminary results of a new shipper review to 300 days if it determines that the case is extraordinarily complicated. *See* 19 CFR 351.214(i)(2)

Extension of Time Limit for Preliminary Results of Review

The Department has determined that the review is extraordinarily complicated as the Department must issue additional supplemental questionnaires and conduct verification. Based on the timing of the case and the additional information that must be gathered and verified, the preliminary results of this new shipper review cannot be completed within the statutory time limit of 180 days.

Therefore, the Department is extending the time limit for completion of the preliminary results of this new shipper review by 106 days from the original September 16, 2009, deadline. The preliminary results will now be due no later than December 31, 2009. The final results continue to be due 90 days after the issuance of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B)(iv) and 777(i) of the Act.

Dated: September 8, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–22196 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: On March 9, 2009, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of the third administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (''Vietnam''). *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results, Preliminary Partial Rescission and Request for Revocation, In Part, of the Third Administrative Review,* 74 FR 10009 (March 9, 2009) (''*Preliminary Results''*). We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments and information received, we made changes to the margin calculations for the final results. We find that certain manufacturers/exporters have not sold subject merchandise at less than normal value (''NV'') during the period of review (''POR'') February 1, 2007, through January 31, 2008.

DATES: *Effective Date:* September 15, 2009.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On March 9, 2009, the Department published the *Preliminary Results* of this administrative review. *See Preliminary Results.* On March 12, 2009, we extended the deadline for parties to submit the case briefs and rebuttal briefs to April 10, 2009 and April 24, 2009, respectively. On March 12, 2009, Phuong Nam filed a request for a public hearing. On March 24, 2009, Fish One,[1] a separate rate respondent, filed a request for a public hearing. On March 27, 2009, Petitioner[2] placed on the record additional surrogate value information. On March 30, 2009, the mandatory respondents,[3] the Domestic Processors,[4] and Contessa Premium Foods, Inc., (''Contessa''), a U.S. importer, submitted additional surrogate value information. On April 6, 2009, Minh Phu Group, Camimex, and certain separate rate respondents[5] (''SR Respondents'') filed a request for a public hearing. On April 8, 2009, the Domestic Processors filed a request for a hearing. On April 8, 2009, Contessa and Petitioner filed letters stating their intent to participate in a public hearing if one were to be held. On April 10, 2009, the mandatory respondents, Fish One, Petitioner, the Domestic Processors, C.P. Vietnam Livestock Co. (''CP Vietnam''), Kim Anh Co., Ltd. (''Kim Anh''), Contessa, and certain SR Respondents filed case briefs. On April 24, 2009, the mandatory respondents, Fish One, Petitioner, the Domestic Processors, and certain SR Respondents filed rebuttal briefs. On May 13, 2009, Minh Phu Group, Camimex and certain SR Respondents refiled the rebuttal brief to include missing pages inadvertently excluded from the April 24, 2009 rebuttal brief. On June 4, 2009, the Department held a public hearing pursuant to section 351.310(d)(1) of the Department's regulations. On June 22, 2009, the Department placed on the record of this review information reported by Minh Phu Group in the preceding administrative review. We invited comments from interested parties regarding this information. No interested parties provided comment regarding this information.

On June 4, 2009, the Department published a notice extending the deadline for the final results of the administrative review. *See Certain Frozen Warmwater Shrimp from the People's Republic of China and the Socialist Republic of Vietnam: Notice of Extension of Time Limit for the Final Results of the Third Administrative Reviews,* 74 FR 26839 (June 4, 2009). On July 22, 2009, the Department published a second notice extending the deadline for the final results of the administrative review. *See Certain Frozen Warmwater Shrimp from the People's Republic of China and the Socialist Republic of Vietnam: Notice of Extension of Time Limit for the Final Results of the Third Administrative Reviews,* 74 FR 36164 (July 22, 2009). Lastly, on August 31, 2009, the Department published a third notice extending the deadline for the final results of the administrative review. *See Certain Frozen Warmwater Shrimp from the People's Republic of China and the Socialist Republic of Vietnam: Notice of Extension of Time Limit for the Final Results of the Third Administrative Reviews,* 74 FR 44818 (August 31, 2009).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Results of the Third Administrative Review, dated September 8, 2009,

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[1] Vietnam Fish-One Co., Ltd. (Vietnam Fish-One) aka Viet Hai Seafoods Company Ltd. (''Vietnam Fish One Co. Ltd.'') (collectively, ''Fish One'').

[2] Petitioner is the Ad Hoc Shrimp Trade Action Committee.

[3] The mandatory respondents are: Minh Phu Seafood Export Import Corporation (and affiliated Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), Minh Phu Seafood Corporation; Minh Phu Seafood Corp., Minh Qui Seafood Co., Ltd., Minh Qui Seafood, Minh Phat Seafood Co., Ltd., Minh Phat Seafood, (collectively, ''Minh Phu Group''), Camau Frozen Seafood Processing Import Export Corporation (''Camimex''), and Phuong Nam Co. Ltd. (''Phuong Nam'').

[4] The Domestic Processors are the American Shrimp Processors Association (''ASPA'') and the Louisiana Shrimp Association (''LSA''), (collectively, the ''Domestic Processors'').

[5] Here, we refer to a SR Respondent as a company upon which we initiated a review, submitted either a separate rate certification or application, has been cooperative, but was not selected for individual review.

which is hereby adopted by this notice (''*Issues and Decision Memo''*). A list of the issues which parties raised and to which we respond in the *Issues and Decision Memo* is attached to this notice as an Appendix. The *Issues and Decision Memo* is a public document and is on file in the Central Records Unit (''CRU''), Main Commerce Building, Room 1117, and is accessible on the Web at *http://www.trade.gov/ia.* The paper copy and electronic version of the memorandum are identical in content.

Final Rescission of Review

In the *Preliminary Results,* the Department issued a notice of intent to rescind this administrative review with respect to Vinh Hoan Corporation (formerly Vinh Hoan Co., Ltd.) (''Vinh Hoan'') and Quoc Viet Seaproducts Processing Trading Import and Export Co., Ltd., (''Quoc Viet'') because the information on the record indicated that they did not sell subject merchandise to the United States during the POR. Subsequent to the *Preliminary Results,* no information was submitted on the record indicating that Vinh Hoan and Quoc Viet made sales of subject merchandise to the United States during the POR. Thus, in accordance with 19 CFR 351.213(d)(3) and consistent with our practice, we are rescinding this review with respect to Vinh Hoan and Quoc Viet.

However, with respect to Kim Anh and CP Vietnam, we did not preliminarily rescind the administrative review pending an analysis of additional information requested from the companies and U.S. Customs and Border Protection (''CBP''). Additionally, we preliminarily assigned the two companies the Vietnam-wide entity rate because Kim Anh and CP Vietnam had not provided any information on the record to indicate their eligibility for a rate separate from the Vietnam–wide entity. *See Preliminary Results* at 10011.

Subsequent to the *Preliminary Results,* the Department placed on the record import entry documentation obtained from CBP. *See* Memorandum to the File from Irene Gorelik, Analyst, Office 9, Re; Third Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: CBP 7501 Entry Packages, dated March 4, 2009. The Department also invited comment from CP Vietnam and Kim Anh regarding the information contained within the CBP entry documentation. Based on the Department's review of CBP's entry documentation and the companies' subsequent explanations and supporting documentation on the record, we have determined that it is appropriate to rescind the review with respect to CP Vietnam and Kim Anh in the final results. For further details, *see Issues and Decision Memo* at Comments 18 and 19, respectively. Thus, in accordance with 19 CFR 351.213(d)(3) and consistent with our practice, we are rescinding this review with respect to CP Vietnam and Kim Anh.

Changes Since the Preliminary Results

Based on our analysis of information on the record of this review, and comments received from the interested parties, we have made changes to the margin calculations for the mandatory respondents.

We have revised the surrogate values for raw shrimp, master cartons, and domestic cold storage warehousing. Additionally, we have revised classifications for certain expenses in the surrogate financial ratios used in the *Preliminary Results.* For further details *see Issues and Decision Memo* at Comments 6B, 7B, 7F, 9 and 10, respectively; *see also* Memorandum to the File through Catherine Bertrand, Program Manager, Office 9 from Irene Gorelik, Senior Analyst, Office 9; Third Antidumping Duty Administrative Reviews of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Surrogate Values for the Final Results, dated September 8, 2009. Additionally, we have made company-specific changes since the *Preliminary Results* to the antidumping duty margin calculations for all three mandatory respondents. For further details on these company-specific changes, *see Issues and Decision Memo* at Comments 12, 13, 14 and 15, and company specific analysis memoranda.

Scope of the Order

The scope of this order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,[6] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (''HTSUS''), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the Penaeidae family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannemei*), banana prawn *(Penaeus merguiensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp *(Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. In addition, food preparations, which are not ''prepared meals,'' that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); (7) certain dusted shrimp; and (8) certain battered shrimp. Dusted shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a ''dusting'' layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF freezing immediately after application of the dusting layer. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par-fried.

[6] ''Tails'' in this context means the tail fan, which includes the telson and the uropods.

The products covered by this order are currently classified under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

Surrogate Country

In the *Preliminary Results,* we determined that, pursuant to section 773(c)(4) of the Tariff Act of 1930, as amended (''Act''), Bangladesh is an appropriate surrogate country because it is at a similar level of economic development to Vietnam, is a significant producer of comparable merchandise, and has reliable, publicly available data representing a broad-market average for surrogate valuation purposes. *See Preliminary Results* at 10015. Subsequently, we analyzed comments from interested parties regarding our preliminary surrogate country selection and have determined that, for the final results, we will continue to use Bangladesh as the primary surrogate country. Specifically, first, we noted that the Office of Policy provided a list of potential surrogate countries and considered them ''equally comparable in terms of economic development.'' *See, e.g., Preliminary Results* at 10014. Second, in relying on the most recently available 2005 data from the FishStat Database (''FishStat'') of the Food and Agricultural Organization (''FAO'') of the United Nations, we determined that Indonesia, India and Bangladesh were significant producers of comparable merchandise whereas Sri Lanka and Pakistan were not significant producers of comparable merchandise.[7] Thus, we no longer consider Sri Lanka and Pakistan to be appropriate surrogate country choices. Consequently, the remaining potential surrogate countries subject to further consideration were Indonesia, India, and Bangladesh. Finally, we considered the available data from Indonesia, India, and Bangladesh with which to value raw shrimp, the main input for subject merchandise production. The Department's selection of Bangladesh as the primary surrogate country is based on our determination that the available data that would fulfill a wider range of our established surrogate value selection criteria, such as the availability of publicly-available count-size specific data representing a broad-market average. The record shows that, compared with the Bangladeshi data, neither the Indian data not the Indonesian data satisfied the breadth of surrogate value criteria for raw shrimp. Therefore, based on the evidence on the record, we determine that Bangladesh continues to be the most appropriate surrogate country in this review. As Petitioner and Domestic Processors have not provided compelling evidence to the contrary, we will continue to use Bangladesh as the primary surrogate country for the final results of this administrative review. For a detailed analysis of our determination, *see Issues and Decisions Memo* at Comment 2.

Request for Revocation, In Part

In the *Preliminary Results,* we determined not to revoke the antidumping duty order with respect to Fish One. *See Preliminary Results* at 10011. We have not, for the final results, changed our determination. For further discussion, *see Issues and Decision Memo* at Comment 16.

Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested, subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified; the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act provides that if an interested party ''promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative form in which such party is able to submit the information,'' the Department may modify the requirements to avoid imposing an unreasonable burden on that party.

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e), disregard all or part of the original and subsequent responses, as appropriate.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed ''deficient'' under section 782(d) if: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

Furthermore, section 776(b) of the Act states that if the Department ''finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority * * *, the administering authority * * *, in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available.''

Minh Phu Group

For the final results, in accordance with sections 773(c)(3)(B) and 776(a)(1) of the Act, we have determined that the use of facts available (''FA'') is required for Minh Phu Group's domestic cold storage warehousing expense for reported sales. As stated in the *Preliminary Results,* in accordance with section 772(c)(2)(A) of the Act, we must deduct movement expenses from the U.S. price. *See Preliminary Results* at 10015. Because domestic cold storage expenses are considered part of movement expenses within the margin calculation, an accurate calculation of the average warehousing period is required. To properly calculate cold storage warehousing as part of movement expenses, we need to apply the cold storage surrogate value to a quantifiable period of time for the reported sales. However, during the course of the review, the Department did not request that Minh Phu Group report the number of days that subject merchandise was held in unaffiliated cold storage warehousing prior to exportation. Accordingly, because the record does not contain the average

[7] In determining that Bangladesh was a significant producer of comparable merchandise, we looked to information on the record that supports Bangladesh's fulfillment of this criterion. *See Issues and Decision Memo* at Comment 2.

period of time that subject merchandise was held in cold storage warehousing during the POR, the Department must use FA in accordance with section 776(a)(1) of the Act.[8]

In determining the most appropriate and reliable information to use as FA, the Department reviewed Petitioner's suggested proxy provided in its case brief dated April 10, 2009, which is calculated from information contained within a set of shipping documents for one EP sale during the POR. Additionally, on June 22, 2009, the Department placed on the record cold storage warehousing data reported by Minh Phu Group in the second administrative review, for the period February 1, 2006, through January 31, 2007. *See* Memorandum to the File from Irene Gorelik, Analyst, re; Domestic Warehousing Data for Minh Phu Group, dated June 22, 2009 at Attachment I. The Department stated its intent to use that information for the final results of this review and invited interested parties to comment on this data. No interested parties submitted comments regarding the data.

As FA, for the final results of this review, we are relying on Minh Phu Group's reported cold storage warehousing data from the preceding administrative review, which we have placed on the record of this review, for the average number of days that subject merchandise was held in storage prior to exportation. *See id.* We find that the average number of days that Minh Phu Group reported in the preceding review is more accurate than Petitioner's suggested proxy, as it was calculated using a wider range of data points from the company's records, rather than an inferred period of time gathered from one set of shipping documents. For further details regarding the Department's calculation of domestic warehousing, *see Issues and Decision Memo* at Comment 12 and Memorandum to the File through Catherine Bertrand, Program Manager, Office 9, from Irene Gorelik, Senior Analyst, Office 9; Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Analysis for the Final Results of Minh Phu Group dated September 8, 2009.

[8] *See Steel Wire Garment Hangers from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 47587 (August 14, 2008) and accompanying Issues and Decision Memorandum at Comment 2 (where we applied facts available to a material input that the Department had not requested the respondent report during the proceeding).

Separate Rates

In the *Preliminary Results,* we determined that the mandatory respondents, Camimex, Minh Phu Group and Phuong Nam, as well as certain SR Respondents,[9] met the criteria for separate-rate status. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsideration of these determinations. Therefore, the Department continues to find that these entities meet the criteria for a separate rate.

However, in the *Preliminary Results,* we also noted that certain entities requesting separate rate status for new trade names or additional trade names that had not been previously granted separate rate status required further analysis. Specifically, we stated that ''separate-rate certifications filed by seven exporters showed that these seven companies claimed to have undergone changes in name, legal and/or corporate structure during the POR.'' *See Preliminary Results* at 10012. We further stated that ''a separate-rate certification is not the proper vehicle by which a company that has undergone name or other corporate changes should request a separate rate.'' *See id.* Accordingly, we notified Cadovimex, CATACO, Stapimex, UTXI, Bac Lieu, Minh Hai Jostoco, and Thuan Phuoc that a changed circumstance review would be required for the Department to analyze any claims of successor-in-interest by these companies. However, the Department preliminarily granted separate rate status to these seven companies prior to any name or other corporate change. *See id.*

Since the *Preliminary Results,* the Department has conducted changed circumstance reviews for six of the above-mentioned seven entities.[10] The Department published its preliminary results of changed circumstance reviews, finding that, in accordance with 19 CFR 351.221(c)(3)(i), Cadovimex is succeeded by Cadovimex Seafood Import-Export and Processing Joint Stock Company (''Cadovimex Vietnam''), Stapimex is succeeded by Soc Trang Seafood Joint Stock Company (''STAPIMEX JSC''), Bac Lieu is succeeded by Bac Lieu Fisheries Joint Stock Company (''Bac Lieu JSC''), Thuan Phuoc is succeeded by Thuan Phuoc Seafoods and Trading Corporation (''Thuan Phuoc JSC''), and UTXI is succeeded by UTXI Aquatic Products Processing Corporation (''UTXI Corp.'') *See Frozen Warmwater Shrimp From Vietnam: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Reviews,* 74 FR 31698 (July 2, 2009). However, in accordance with 19 CFR 351.221(c)(3)(i), the Department also preliminarily determined that CAFISH is not the successor-in-interest to CATACO. *See id.* The Department subsequently published the final results of changed circumstance reviews for the above six entities, with no changes to its preliminary determinations. *See Frozen Warmwater Shrimp From Vietnam: Notice of Final Results of Antidumping Duty Changed Circumstances Reviews,* 74 FR 42050 (August 20, 2009) (''*CCR Final*'').

Following the Department's determinations in the *CCR Final,* the Department has listed, in the ''Final Results of the Review'' section below, the names of the successor companies and their respective qualifying trade names that are assuming the separate rate of the former entity effective from August 20, 2009. *See CCR Final.* For those entities, including CATACO, for which we did not find a successorship exists, the separate rate in this review will be granted only to the former entity in addition to its qualifying trade names, as noted below. For a detailed discussion of the trade names not granted separate-rate status, *see Issues and Decision Memo* at Comment 17.

Rate for Non-Selected Companies

In the *Preliminary Results,* we stated that the Department employed a limited

[9] These other separate rate companies are: Amanda Foods (Vietnam) Ltd., Bac Lieu Fisheries Company Limited (''Bac Lieu''), Ca Mau Seafood Joint Stock Company (''SEAPRIMEXCO''), Cadovimex Seafood Import-Export and Processing Joint Stock Company (''CADOVIMEX''), Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), Cam Ranh Seafoods Processing Enterprise Company (''Camranh Seafoods''), Can Tho Agricultural and Animal Product Import Export Company (''CATACO''), Coastal Fisheries Development Corporation (''COFIDEC''), Cuulong Seaproducts Company (''Cuulong Seapro''), Danang Seaproducts Import Export Corporation (''Seaprodex Danang'') and affiliate Tho Quang Seafood Processing & Export Company, Grobest & I-Mei Industrial (Vietnam) Co., Ltd., Investment Commerce Fisheries Corporation (''Incomfish''), Minh Hai Export Frozen Seafood Processing Joint-Stock Company (''Minh Hai Jostoco''), Minh Hai Joint-Stock Seafoods Processing Company (''Seaprodex Minh Hai''), Ngoc Sinh Private Enterprise, Nha Trang Fisheries Joint Stock Company (''Nha Trang Fisco''), Nha Trang Seaproduct Company (''Nha Trang Seafoods''), Phu Cuong Seafood Processing & Import-Export Co., Ltd., Sao Ta Foods Joint Stock Company (''FIMEX''), Soc Trang Aquatic Products and General Import Export Company (''Stapimex''), Thuan Phuoc Seafoods and Trading Corporation (and its affiliates), UTXI Aquatic Products Processing Company (''UTXI''), Viet Foods Co., Ltd., Viet Hai Seafood Co., Ltd. a/k/a Vietnam Fish One Co., Ltd. (Fish One), Vinh Loi Import Export Company (''VIMEX'').

[10] Minh Hai Jostoco never filed a changed circumstance review request.

examination methodology, as it did not have the resources to examine all companies for which a review request was made and selected three exporters, Minh Phu Group, Camimex, and Phuong Nam as mandatory respondents in this review. *See Preliminary Results* at 10010. Additionally, 25 additional companies (listed in footnote 10 above) submitted timely information as requested by the Department and remained subject to review as cooperative separate rate respondents. The Department assigned a preliminary rate to the remaining 25 cooperative separate rate respondents not selected for individual examination.

In the *Preliminary Results,* we noted that the statute and the Department's regulations do not directly address the establishment of a rate to be applied to companies not selected for individual examination where the Department limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. *See Preliminary Results.* We further explained that the Department's practice in this regard, in cases involving limited selection based on exporters accounting for the largest volumes of trade, has been to weight-average the rates for the selected companies excluding zero and *de minimis* rates and rates based entirely on FA. *See Preliminary Results* at 10014. However, due to changes in certain surrogate values and the correction of certain clerical errors for Minh Phu Group, Camimex, and Phuong Nam from the *Preliminary Results,* the Department has, for the final results, calculated all *de minimis* dumping margins for the mandatory respondents.

Because the Act does not address that rate to be applied to companies not selected for individual examination, we have looked to section 735(c)(5) of the Act for guidance. Section 735(c)(5)(A) of the Act instructs that we are not to calculate an all-others rate using any zero or *de minimis* margins or any margins based entirely on FA. Section 735(c)(5)(B) of the Act also provides that, where all margins are zero rates, *de minimis* rates, or rates based entirely on FA, we may use ''any reasonable method'' for assigning the rate to non-selected respondents. We note that in the preceding administrative review, the Department looked to other reasonable means to assign separate-rate margins to non-reviewed companies because we calculated zero rates, *de minimis* rates, or rates based entirely on FA for the mandatory respondents. *See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review,* 73 FR 52273 (September 9, 2008) and accompanying Issues and Decision Memorandum at Comment 6 (''*Vietnam Shrimp AR2 Final''*). Because the Department is faced with similar circumstances in these final results as in the preceding administrative review, we must, again, look to other reasonable means to assign separate rate margins to non-reviewed companies eligible for a separate rate in this review. We find that a reasonable method is to assign to non-reviewed companies in this review the most recent rate calculated for the non-selected companies in question, unless we calculated in a more recent segment a rate for any company that was not zero, *de minimis,* or based entirely on FA. Pursuant to this method, we are assigning the rate of 4.57 percent, the most recent positive rate (from the less-than-fair-value (''LTFV'') investigation) calculated for cooperative separate rate respondents, to those separate rate respondents in the instant review with no calculated margin that is concurrent with or more recent than this rate. For those separate rate respondents that received a calculated rate in a prior segment, concurrent with or more recent than the 4.57 percent rate, we are assigning that calculated rate as the company's separate rate in this review. Specifically, for Fish-One and Grobest, we are assigning the rates most recently calculated for both companies (zero) as their separate rate in the instant review because these rates are more recent than the separate rate calculated in the LTFV and are based on the companies' own data. Additionally, for Minh Hai Joint-Stock Seafoods Processing Company (''Seaprodex Minh Hai''), we are also assigning, as a separate rate, the most recent calculated rate of 4.30 percent, from the LTFV, which was based on the company's own data. For all other separate rate respondents in the instant review, the separate rate is 4.57 percent. For additional details, *see Issues and Decision Memo* at Comment 16. This is the same methodology we applied in the final results of the prior review. *See Vietnam Shrimp AR2 Final.*

Vietnam-Wide Entity

In the *Preliminary Results,* the Department determined that 78 companies which did not demonstrate eligibility for a separate rate are properly considered part of the Vietnam-Wide entity.[11] Since the *Preliminary Results,* no parties commented or provided evidence contrary to our preliminary determination with respect to these 78 companies. Therefore, for the final results, we will continue to assign the entity's current rate of 25.76 percent, the only rate ever determined for the Vietnam-wide entity in this proceeding. Because we are rescinding this review with respect to CP Vietnam and Kim Anh as noted above, and we no longer find these companies to be part of the Vietnam-wide entity as we did in the *Preliminary Results,* any suspended entries for CP Vietnam and Kim Anh will be liquidated at the rate in effect on the date of entry.

Final Results of the Review

The Department has determined that the following final dumping margins exist for the period February 1, 2007, through January 31, 2008:

CERTAIN FROZEN WARMWATER SHRIMP FROM VIETNAM

Manufacturer/Exporter	Weighted-average margin (percent)
Minh Phu Group:	
Minh Phat Seafood Co., Ltd., aka Minh Phat Seafood aka Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.) aka Minh Phu Seafood Corp. aka Minh Phu Seafood Corporation aka Minh Qui Seafood aka Minh Qui Seafood Co., Ltd.	0.43 (*de minimis*)
Camau Frozen Seafood Processing Import Export Corporation (''CAMIMEX''), aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5.	0.08 (*de minimis*)
Phuong Nam Co. Ltd., aka Phuong Nam Seafood Co. Ltd. aka Western Seafood	0.21 (*de minimis*)

[11] *See Preliminary Results* at 10011; *see also* footnote 19 below.

CERTAIN FROZEN WARMWATER SHRIMP FROM VIETNAM—Continued

Manufacturer/Exporter	Weighted-average margin (percent)
Amanda Foods (Vietnam) Ltd	4.57
Bac Lieu Fisheries Joint Stock Company [12]	4.57
Cadovimex-Vietnam, aka Cadovimex Seafood Import-Export and Processing Joint Stock Company (''Cadovimex-Vietnam'').[13]	4.57
Cafatex Fishery Joint Stock Corporation (''Cafatex Corp.'') aka Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka Cafatex, aka Cafatex Vietnam, aka Xi Nghiep Che Bien Thuy Suc San Xuat Khau Can Tho, aka Cas, aka Cas Branch, aka Cafatex Saigon, aka Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka Taydo Seafood Enterprise.	4.57
Cam Ranh Seafoods Processing Enterprise Company (''Camranh Seafoods'') aka Camranh Seafoods	4.57%
Can Tho Agricultural and Animal Products Import Export Company (''CATACO'') aka Can Tho Agricultural Products aka CATACO, aka Can Tho Agricultural and Animal Products Imex Company.[14]	4.57
Coastal Fishery Development aka Coastal Fisheries Development Corporation (Cofidec) aka Coastal Fisheries Development Corporation (Cofidec).	4.57
Cuulong Seaproducts Company (''Cuu Long Seapro'') aka Cuu Long Seaproducts Limited (Cuulong Seapro) aka Cuulong Seapro, aka Cuulong Seaproducts Company (''Cuulong Seapro'') (''Cuu Long Seapro'').	4.57
Danang Seaproducts Import Export Corporation (''Seaprodex Danang'') aka Tho Quang Seafood Processing & Export Company, aka Seaprodex Danang, aka Tho Quang Seafood Processing And Export Company, aka Tho Quang, aka Tho Quang Co.	4.57
Thuan Phuoc Seafoods and Trading Corporation (''Thuan Phuoc JSC'').[15]	4.57
Grobest & I–Mei Industrial (Vietnam) Co., Ltd., aka Grobest & I–Mei Industry Vietnam, aka Grobest	0.00 (zero)
Investment Commerce Fisheries Corporation (''Incomfish'')	4.57
Minh Hai Export Frozen Seafood Processing Joint Stock Company, aka Minh Hai Jostoco, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company (''Minh Hai Jostoco''), aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Joint Stock Seafood Processing Joint-Stock Company, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Co., aka Minh Hai Export Frozen Seafood Processing Joint-Stock Company Minh Hai Jostoco.[16]	4.57
Minh Hai Joint-Stock Seafoods Processing Company (''Seaprodex Minh Hai'') aka Sea Minh Hai, aka Minh Hai Joint-Stock Seafoods Processing Company.	4.30
Minh Hai Sea Products Import Export Company (Seaprimex Co), aka Ca Mau Seafood Joint Stock Company (''SEAPRIMEXCO'') aka Seaprimexco Vietnam, aka Seaprimexco, aka Ca Mau Seafood Joint Stock Company (Seaprimexco).	4.57
Ngoc Sinh Private Enterprise, aka Ngoc Sinh Seafoods, aka Ngoc Sinh Seafoods Processing and Trading Enterprise.	4.57
Nha Trang Fisheries Joint Stock Company (''Nha Trang Fisco'')	4.57
Nha Trang Seaproduct Company ('Nha Trang Seafoods'')	4.57
Phu Cuong Seafood Processing and Import-Export Co., Ltd	4.57
Sao Ta Foods Joint Stock Company (''Fimex VN''), aka Sao Ta Seafood Factory	4.57
Soc Trang Seafood Joint Stock Company [17]	4.57
UTXI Aquatic Products Processing Corporation [18]	4.57
Viet Foods Co., Ltd. (''Viet Foods'')	4.57
Viet Hai Seafood Co., Ltd. aka Vietnam Fish One Co., Ltd. (Fish One)	0.00 (zero)
Vinh Loi Import Export Company (''Vimexco''), aka Vinh Loi Import Export Company (''VIMEX''), aka VIMEXCO, aka VIMEX.	4.57
Vietnam-Wide Rate [19]	25.76

The Department will disclose calculations performed for these final results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered

[12] *See CCR Final; see also Issues and Decision Memo* at Comment 17.

[13] *See CCR Final; see also Issues and Decision Memo* at Comment 17.

[14] Because we have determined that Cantho Import-Export Seafood Joint Stock Company, also known as Caseamex is not a successor-in-interest to Cataco, we have not extended Cataco's separate rate status to Caseamex or to Can Tho Import Export Fishery Limited Company (''CAFISH''). *See CCR Final; see also Issues and Decision Memo* at Comment 17.

by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis.*

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be established in these final results of review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Vietnamese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the Vietnamese-wide rate of 25.76 percent; and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporters that supplied that non-Vietnamese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice of final results of this administrative review is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, 19 CFR 351.213, and 19 CFR 351.221(b)(4).

Dated: September 8, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix I

General Issues

Comment 1: Respondent Selection Methodology
Comment 2: Surrogate Country
Comment 3: Treatment of Sales with Negative Margins

Surrogate Values

Comment 4: Wage Rate Calculation
Comment 5: Bangladeshi Inflator Data
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A. By-Products
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[15] *See CCR Final; see also Issues and Decision Memo* at Comment 17.

[16] For the same reasons discussed in *Preliminary Results,* we have not extended Minh Hai Jostoco's separate-rate status to: Kien Cuong Seafood Processing Import Export Joint-Stock Company (''Kien Cuong'') and Viet Cuong Seafood Processing Import Export Joint-Stock Company (''Viet Cuong''). *See Preliminary Results* at footnote 24.

[17] *See CCR Final; see also Issues and Decision Memo* at Comment 17.

[18] *See CCR Final; see also Issues and Decision Memo* at Comment 17.

[19] The Vietnam-wide entity includes: AAAS Logistics; Agrimex; Amerasian Shipping Logistics Corp.; American Container Line; An Giang Fisheries Import and Export Joint Stock Company (Agifish); An Xuyen; Angiang Agricultural; Technology Service Company; Aquatic Products Trading Company; Bentre Aquaproduct Imports & Exports; Bentre Forestry and Aquaproduct Import-Export Company (''FAQUIMEX''); Bentre Frozen Aquaproduct Exports; Bentre Seafood Joint Stock; Beseaco, Binh Dinh Fishery Joint Stock; Cantho Import-Export Seafood Joint Stock Company (''Caseamex''); Can Tho Import Export Fishery Limited Company (''CAFISH''); Ca Mau Seaproducts Exploitation and Service Corporation (''SES''); Camau Seafood Fty; Can Tho Seafood Exports; Cautre Enterprises; Chun Cheng Da Nang Co., Ltd.; Co Hieu; Cong Ty Do Hop Viet Cuong; Dao Van Manh; Dong Phuc Huynh; Dragon Waves Frozen Food Fty.; Duyen Hai Bac Lieu Company (''T.K. Co.''); Duyen Hai Foodstuffs Processing Factory (''COSEAFEX''); General Imports & Exports; Hacota; Hai Ha Private Enterprise; Hai Thuan Export Seaproduct Processing Co., Ltd. ; Hai Viet; Hai Viet Corporation (''HAVICO''); Hanoi Seaproducts Import Export Corporation (''Seaprodex Hanoi''); Seaprodex Hanoi; Hatrang Frozen Seaproduct Fty; Hoa Nam Marine Agricultural; Hoan An Fishery; Hoan Vu Marine Product Co., Ltd.; Hua Heong Food Ind Vietnam; Khanh Loi Trading; Kien Gang Sea Products Import—Export Company (Kisimex); Kien Gang Seaproduct Import and Export Company (''KISIMEX''); Konoike Vinatrans Logistics; Lamson Import-Export Foodstuffs Corporation; Long An Food Processing Export Joint Stock Company (''LAFOOCO''); Lucky Shing; Nam Hai; Nha Trang Company Limited; Nha Trang Fisheries Co. Ltd.; Pataya Food Industry (Vietnam) Ltd.; Phat Loc Seafood; Phung Hung Private Business; Saigon Orchide; Sea Product; Sea Products Imports & Exports; Seafood Company Zone II (''Thusaco2''); Seafood Processing Joint Stock Company No.9 (previously Seafood Processing Imports Exports); Seafoods and Foodstuff Factory; Seaprodex; Seaprodex Quang Tri; Sonacos; Song Huong ASC Import-Export Company Ltd.; Song Huong ASC Joint Stock Company; Special Aquatic Products Joint Stock Company (''Seaspimex''); SSC; T & T Co., Ltd.; Tacvan Frozen Seafoods Processing Export Company; Thami Shipping & Airfreight; Thang Long; Thanh Long; Thanh Doan Seaproducts Import; Thien Ma Seafood; Tourism Material and Equipment Company (Matourimex Hochiminh City Branch); Truc An Company; Trung Duc Fisheries Private Enterprise; V N Seafoods; Vien Thang Private Enterprise; Viet Nhan Company; Vietfracht Can Tho; Vietnam Northern Viking Technologie Co.; Vietnam Northern Viking Technology Co. Ltd.; Vietnam Tomec Co., Ltd.; Vilfood Co.; and Vita.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On March 6, 2009, the Department of Commerce (''Department'') published the preliminary results of the administrative review of the antidumping duty order on stainless steel bar (''SSB'') from India. This review covers sales of SSB from India with respect to one producer/exporter: Venus Wire Industries Pvt. Ltd. (''Venus'') during the period February 1, 2007, through January 31, 2008.

We have noted the changes made since the preliminary results in the ''Changes Since the Preliminary Results'' section, below. The final results are listed below in the ''Final Results of Review'' section.

DATES: *Effective Date*: September 15, 2009.

FOR FURTHER INFORMATION CONTACT: Erika McDonald 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) 482–5761 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 2009, the Department published *Stainless Steel Bar From India: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 9787 (March 6, 2009) (''*Preliminary Results*'') in the **Federal Register**.

Following the *Preliminary Results,* the Department issued supplemental questionnaires to Venus in March and April 2009. The Department received Venus' responses in March, April and May 2009. On April 27, 2009, the Department published a notice extending the deadline for these final results to September 2, 2009. *See Stainless Steel Bar From India: Extension of Time Limit for the Final Results of the 2007–2008 Antidumping Duty Administrative Review*, 74 FR 19048 (April 27, 2009).

Department officials met with counsel to Petitioners [1] to discuss issues pertaining to Venus' relationship with AMS Specialty Steel (''AMS'') on May 20, 2009. *See* Memorandum from Erika McDonald, ''Ex-Parte Meeting with Counsel to Petitioners,'' dated May 20, 2009.

In the *Preliminary Results*, we preliminarily determined to treat Venus and its affiliate Sieves Manufacturing Pvt. Ltd. (''Sieves'') as a single entity for this review.[2] We further announced our intention to seek additional information regarding the relationship of these companies and the types of merchandise sold by Sieves to use in the final results. On July 17, 2009, we issued our post-preliminary results calculation memorandum regarding Sieves based on the totality of information submitted by interested parties. *See* Memorandum to File, Acting Assistant Secretary for Import Administration, entitled ''Post-Preliminary Results Calculation Memorandum for Venus Wire Industries Pvt. Ltd.,'' dated July 17, 2009, which is on file in the Central Records Unit (''CRU'') in room 1117 of the main Department building. On July 23, 2009, the Department amended its post-preliminary results. *See* Memorandum to the File from Erika McDonald, ''Correction to the Post-Preliminary Results Calculation Memorandum for Venus Wire Industries Pvt. Ltd.'' dated July 23, 2009, which is on file in the CRU.

We met with counsel to Petitioners regarding Venus' affilation with Hindustan Stainless (''Hindustan'') and Sieves on July 20, 2009. *See* Memorandum from Erika McDonald, ''Ex-Parte Meeting with Counsel to Petitioners,'' dated July 20, 2009.

We invited interested parties to comment on the *Preliminary Results*. On July 31, 2009, Venus filed its case brief which contained business proprietary information under the one-day lag rule. On August 3, 2009, Venus filed attachments to its case brief that were omitted from its original case brief submitted on July 31, 2009. On August 5, 2009, the Department notified Venus that it was rejecting its case brief because the copy of the case brief filed on July 31, 2009, was not identical to the business proprietary copy filed on August 3, 2009, pursuant to 19 CFR 351.303(c)(2).

The Department permitted Venus to resubmit its case brief with bracketing corrections to its July 31, 2009 submission, but excluding the attachments because the attachments were determined to contain new factual information. *See* Letter from Brandon Farlander to Venus, dated August 5, 2009, and Letter from Brandon Farlander to Venus, dated August 6, 2009. Venus resubmitted its case brief on August 6, 2009. On August 3, 2009, Petitioners filed a case brief. On August 11, 2009, Petitioners and Venus filed rebuttal briefs. We held a hearing on August 13, 2009.

Scope of the Order

Imports covered by the order are shipments of SSB. SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products (*i.e.*, cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

The SSB subject to this review is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

On May 23, 2005, the Department issued a final scope ruling that SSB manufactured in the United Arab Emirates out of stainless steel wire rod from India is not subject to the scope of the order. *See* Memorandum from Team to Barbara E. Tillman, ''Antidumping

[1] Carpenter Technology Corp.; Crucible Specialty Metals, a division of Crucible Materials Corp.; Electralloy Co., a G.O. Carlson, Inc. company; and Valbruna Slater Stainless.

[2] *See Preliminary Results*, 74 FR 9788.

Duty Orders on Stainless Steel Bar from India and Stainless Steel Wire Rod from India: Final Scope Ruling,'' dated May 23, 2005, which is on file in the CRU. *See also Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

Period of Review

The period of review (''POR'') is February 1, 2007, through January 31, 2008.

Applicable Statute

Unless otherwise indicated, all statutory citations are to the Tariff Act of 1930, as amended (''the Act''). In addition, all references to the Department of Commerce's regulations are to 19 CFR Part 351.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the September 2, 2009, ''Issues and Decision Memorandum for 2007–2008 Antidumping Duty Administrative Review of Stainless Steel Bar from India'' (''Decision Memorandum''), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's CRU. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/frn*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Affiliation

Precision Metals

Consistent with the *Preliminary Results,* we find that, based on Venus' representations that its corporate affiliation relationship with Precision Metals remained the same during the POR as during the 2005–2006 administrative review, Venus and Precision Metals should be treated as a single entity in the current proceeding. *See* Memorandum from Brandon Farlander to the File, ''Relationship of Venus Wire Industries Pvt. Ltd. and Precision Metals,'' dated January 9, 2009, which is on file in the CRU.

Sieves

In the *Preliminary Results,* the Department preliminarily found that Venus and its affiliate Sieves met the criteria set forth under 19 CFR 351.401(f) and, therefore, preliminarily determined that Venus and Sieves should be treated as a single entity in this review. *See* Memorandum from Scott Holland to Susan Kuhbach, Office Director, ''Whether to Treat Venus Wire Industries Pvt. Ltd. and Sieves Manufacturing Pvt. Ltd. as a Single Entity,'' dated March 2, 2009, which is on file in the CRU. We requested, and Sieves provided, additional information regarding the relationship of these companies and the types of merchandise sold by Sieves.

After considering all of the information submitted by interested parties in this proceeding, we continue to find that Venus and Sieves meet the criteria established under 19 CFR 351.401(f) and should be treated as a single entity in this review for the final results. A full discussion of this issue is presented in the Decision Memorandum at Comment 1.

AMS Specialty Steel

Venus reported that AMS was an unaffiliated U.S. customer and that Venus did not pay commissions to AMS, nor was AMS a sales agent for Venus during the POR. Petitioners claim that these statements by Venus are false and that Venus does have a relationship with AMS, including that of commissioned agent. In addition, Petitioners contend that Venus incorrectly reported sales to AMS, as the U.S. customer, when it should have reported the first U.S. sale to AMS' unaffiliated U.S. customer. Because of this error, according to Petitioners, Venus has reported wrong sales data to the Department for Venus' sales through AMS. *See* Petitioners' January 21, 2009, submission at 2–4.

In the *Preliminary Results,* the Department found that AMS was not Venus' agent. Petitioners submitted a letter on May 20, 2009, reiterating their arguments on the relationship between Venus and AMS. Because of the proprietary nature of the information submitted by Petitioners in their allegation, a full discussion of these issues is presented in the final results calculation memorandum. *See* Memorandum from the Team to the File ''Final Results Calculation Memorandum for Venus Wire Industries Pvt. Ltd.,'' dated September 2, 2009 (''Venus Final Results Calculation Memorandum'').

After considering all of the information submitted by interested parties in this proceeding, we continue to find that AMS was not Venus' agent during the POR. A full discussion of this issue is presented in the Decision Memorandum at Comment 2.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made adjustments to the *Preliminary Results* calculations for Venus and the post-preliminary results regarding Sieves. Brief descriptions of the company-specific changes are provided below.

A. Cost of Production

For the final results, we are relying on Venus' March 16, 2009, cost database and Sieves's July 8, 2009, cost database except for the following: (1) We adjusted Sieves's submitted interest expenses ratio to reflect market interest rates on its loans from affiliated parties; (2) we adjusted Sieves' cost database to reflect market prices for its purchases from an affiliate; in accordance with section 773(f)(2) of the Act; (3) as noted above, we are collapsing Venus and Sieves. Accordingly, we are treating them as one respondent and, therefore, we have weight-averaged the adjusted costs of Venus and Sieves for the final results. *See* Memorandum to Neal Harper, Director, Office of Accounting, ''Cost of Production and Constructed Value Adjustments for the Final Results'' dated September 2, 2009.

B. Billing Adjustments

On March 24, 2009, Venus requested it be allowed to revise its U.S. sales database to reflect billing adjustments due to an inadvertent accounting error. In that submission, Venus supplied documentation to support its claim. Petitioners submitted comments on Venus' request on April 3, 2009. The Department requested additional information from Venus regarding the billing adjustment on April 23, 2009. Venus submitted the requested information on May 8, 2009.

After reviewing the information submitted by Venus, we determine that Venus has sufficiently supported its claim. Therefore, consistent with *Timken* [3] and the Department's past practice, we are making the changes to Venus' U.S. sales database to reflect the billing adjustments on the relevant sales for the final results. A full discussion of this issue is presented in the Decision Memorandum at Comment 5 and Venus

[3] *Timken U.S. Corp.* v. *United States,* 434 F.3d 1345 (Federal Circuit 2006) (''*Timken*''). *See also, Notice of Final Results of Antidumping Duty Administrative Review, and Final Determination to Revoke the Order In Part: Individually Quick Frozen Red Raspberries from Chile*, 72 FR 6524 (February 12, 2007) and accompanying Issues and Decision Memorandum at Comment 15 (where the Department accepted a correction to a respondent's sales database seventy days before the final results affording petitioners sufficient time to comment).

Final Results Calculation Memorandum at 4.

Moreover, because the billing adjustments affect the gross unit prices for these sales, we are adjusting the reported credit expenses and indirect selling expenses for these sales for the final results. *See* Venus Final Results Calculation Memorandum at 5.

Results of the COP Test

Pursuant to 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 cost of production (''COP''), we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in substantial quantities. Where 20 percent or more of a respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales of that model were made in substantial quantities within an extended period of time in accordance with section 773(b)(2)(B) and (C) of the Act. Because we compared prices to the POR-average COP, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. In such cases, for Venus, we disregarded these below-cost sales of a given product and used the remaining sales as the basis for determining normal value, in accordance with section 773(b)(1) of the Act.

Final Results of Review

As a final result of our review, we find that the following weighted-average percentage margins exist for the period February 1, 2007, through January 31, 2008:

Exporter/manufacturer	Weighted-average margin percentage
Venus Wire Industries Pvt. Ltd./Precision Metals/Sieves Manufacturing Pvt. Ltd	0.09 (*de minimis*).

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries. For Venus, the Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

Pursuant to 19 CFR 351.212(b)(1), for all sales made by respondents for which they have reported the importer of record and the entered value of the U.S. sales, 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. We have used Venus' reported entered values for the final results.

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* rates based on Venus' entered values. Where the assessment rate is above *de minimis,* we will instruct CBP to assess duties on all entries of subject merchandise by that importer. 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 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 applies to entries of subject merchandise during the POR produced by the respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties.*

Cash Deposit Requirements

The following antidumping duty deposits are effective for all shipments of SSB from India entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed company will be the rate listed above (except no cash deposit will be required if a company's weighted-average margin is *de minimis*); (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 12.45 percent, the ''all others'' rate established in the less than fair value investigation. *See Stainless Steel Bar from India; Final Determination of Sales at Less Than Fair Value,* 59 FR 66915 (December 28, 1994). These cash deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: September 2, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix I

List of Comments in the Decision Memorandum

Comment 1: Whether to Collapse Venus and Affiliated Producer Sieves
Comment 2: Whether Certain U.S. Sales by Venus are Constructed Export Price (''CEP'') or Export Price (''EP'') Sales and Whether A Principal-Agent Relationship Exists
Comment 3: Alleged Reporting Deficiencies for Venus and Sieves
3a: Bahubali's and Venus Metal's Involvement in the Production/Sale of Stainless Steel Bar
3b: Hindustan's Involvement in the Production/Sale of Stainless Steel Bar
3c: Hitech's Involvement in the Production/Sale of Stainless Steel Bar
3d: Affiliated Party Loans
3e: Affiliated Party Transactions
Comment 4: Whether Respondents Failed to Follow the Procedural Requirements of the Department's Regulations
Comment 5: Venus' Request to Revise Its U.S. Sales Database to Reflect a Billing Adjustment
Comment 6: Comparison of Certain Similar Merchandise Sold in the Home Market
Comment 7: Whether Certain Home Market Sales are Outside the Ordinary Course of Trade and Whether the Department Should Make a Level of Trade Adjustment
Comment 8: Offsetting Negative Margins
Comment 9: Whether to Rely on Double-Bracketed Information

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–331–802]

Certain Frozen Warmwater Shrimp from Ecuador: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On March 9, 2009, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from Ecuador. This review covers 81 producers/exporters of the subject merchandise to the United States. The period of review (POR) is February 1, 2007, through August 14, 2007.

Based on our analysis of the comments received, we have made certain changes in the margin calculations for Promarisco, S.A. (Promarisco) and Sociedad Nacional de Galapagos, S.A. (Songa), producer/exporters selected for individual review. Therefore, the final results for Promarisco and Songa differ from the preliminary results. The final weighted–average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: September 15, 2009.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Gemal Brangman, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–3773, respectively.

SUPPLEMENTARY INFORMATION:

Background

This review covers 81 producers/exporters. The respondents which the Department selected for individual review are Promarisco and Songa. The respondents which were not selected for individual review are listed in the ''Final Results of Review'' section of this notice.

On March 9, 2009, the Department published in the **Federal Register** the preliminary results of the 2007 administrative review of the antidumping duty order on shrimp from Ecuador. *See Certain Frozen Warmwater Shrimp from Ecuador: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 9983 (March 9, 2009) (*Preliminary Results*). We invited parties to comment on those *Preliminary Results*. In May 2009, we received case briefs from the domestic producers of frozen warmwater shrimp (*i.e.*, the Ad Hoc Shrimp Trade Action Committee, hereafter ''Domestic Producers''), the respondents, Promarisco and Songa, and the domestic processors of frozen warmwater shrimp (''the Processors''), an interested party in this proceeding. Rebuttal briefs were received from the Domestic Producers, Promarisco, Songa, and the Processors.

In June 2009, we extended the deadline for the final results, due no later than September 8, 2009. *See Certain Frozen Warmwater Shrimp from Ecuador: Notice of Extension of Time Limit for the Final Results of the Third Administrative Review*, 74 FR 28018 (June 12, 2009).

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The scope of this order includes certain frozen warmwater shrimp and prawns, whether wild–caught (ocean harvested) or farm–raised (produced by aquaculture), head–on or head–off, shell–on or peeled, tail–on or tail–off,[1] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the Penaeidae family. Some examples of the farmed and wild–caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannemei*), banana prawn (*Penaeus merguiensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. In addition, food preparations, which are not ''prepared meals,'' that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: 1) breaded shrimp and prawns (HTSUS subheading 1605.20.10.20); 2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; 3) fresh shrimp and prawns whether shell–on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); 4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); 5) dried shrimp and prawns; 6) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.10.40); 7) certain dusted shrimp; and 8) certain battered shrimp.

[1] ''Tails'' in this context means the tail fan, which includes the telson and the uropods.

Dusted shrimp is a shrimp–based product: 1) that is produced from fresh (or thawed–from-frozen) and peeled shrimp; 2) to which a ''dusting'' layer of rice or wheat flour of at least 95 percent purity has been applied; 3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; 4) with the non–shrimp content of the end product constituting between four and 10 percent of the product's total weight after being dusted, but prior to being frozen; and 5) that is subjected to IQF freezing immediately after application of the dusting layer. Battered shrimp is a shrimp–based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par–fried.

The products covered by this order are currently classified under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

Period of Review

The POR is February 1, 2007, through August 14, 2007.

Cost of Production

As discussed in the *Preliminary Results*, we conducted this administrative review to determine whether Promarisco and Songa made third country sales of the foreign like product during the POR at prices below their costs of production (COP) within the meaning of section 773(b)(1) of the Act. For Promarisco and Songa, we performed the cost test for these final results following the same methodology as in the *Preliminary Results*, except as discussed in the decision memorandum accompanying this notice (the Decision Memo).

We found that 20 percent or more of each respondent's sales of a given product during the reporting period were at prices less than the weighted–average COP for this period. Thus, we determined that these below–cost sales were made in ''substantial quantities'' within an extended period of time and at prices which did not permit the recovery of all costs within a reasonable period of time in the normal course of trade. *See* sections 773(b)(2)(B) - (D) of the Act.

Therefore, for purposes of these final results, we find that Promarisco and Songa made below–cost sales not in the ordinary course of trade. Consequently, we disregarded these sales for each respondent and used the remaining sales as the basis for determining normal value pursuant to section 773(b)(1) of the Act.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review, and to which we have responded, are listed in the Appendix to this notice and addressed in the Decision Memo, which is adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, HCHB Room 1117, of the main Department building.

In addition, a complete version of the Issues and Decision Memorandum (Decision Memo) can be accessed directly on the Web at http://ia.ita.doc.gov/frn/. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made certain changes in the margin calculations for Promarisco and Songa. These changes are discussed in the relevant sections of the Decision Memo.

In addition, we have changed our calculation of the margins and assessment rates applicable to the companies not selected for individual examination to reflect the simple average of the margins calculated for the respondents selected for individual examination in this review, rather than the weighted average of these margins, excluding *de minimis* margins or margins based entirely on facts available (FA). This is consistent with our current practice with respect to the calculation of the margins and assessment rates applicable to non–mandatory respondents in cases such as the instant one, where there are only two mandatory respondents with above de minimis margins, or margins based entirely upon FA. *See Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Preliminary Results of Antidumping Duty Administrative Reviews and Intent to Rescind Reviews in Part*, 73 FR 25654, 25655 (May 7, 2008); unchanged in *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, 52824 (September 11, 2008).

Final Results of Review

We determine that weighted–average dumping margins exist for the respondents for the period February 1, 2007, through August 14, 2007, as follows:

Manufacturer/Exporter	Percent Margin
Promarisco, S.A.	0.85
Sociedad Nacional de Galapagos C.A. (Songa)	0.75

Review–Specific Average Rate Applicable to the Following Companies:[2]

Manufacturer/Exporter	Percent Margin
Agricola e Industrial Ecuaplantation SA	0.80
Agrol SA	0.80
Alberto Xavier Mosquera Rosado	0.80
Alquimia Marina SA	0.80
Babychic SA	0.80
Biolife SA	0.80
Braistar	0.80
Camaronera Jenn Briann	0.80
Camarones	0.80
Comar Cia Ltda.	0.80
Doblertel SA	0.80
Dumary SA	0.80
Dunci SA	0.80
El Rosario Ersa SA	0.80
Empacadora Bilbo SA (Bilbosa)	0.80
Empacadora del Pacifico SA (EDPACIF SA)	0.80
Empacadora Dufer Cia. Ltda. (DUFER)	0.80
Empacadora Grupo Gran Mar (Empagran) SA	0.80
Empacadora Nacional CA	0.80
Empacadora y Exportadora Calvi Cia. Ltda.	0.80
Emprede SA	0.80
Estar CA	0.80
Exporclam SA	0.80
Exporklore SA	0.80
Exportadora Bananera Noboa	0.80
Exportadora de Productos de Mar (Produmar)	0.80
Exportadora del Oceano (Oceanexa) CA	0.80
Exportadora Langosmar SA	0.80

[2] This rate is based on the simple average of the margins calculated for those companies selected for individual examination, excluding de minimis margins or margins based entirely on FA, as discussed above.

Manufacturer/Exporter	Percent Margin
Exportadora del Oceano Pacifico SA (OCEANPAC)	0.80
Exports Langosmar SA	0.80
Fortumar Ecuador SA	0.80
Gambas del Pacifico SA	0.80
Gondi SA	0.80
Hector Canino Marty	0.80
Hectorosa SA	0.80
Industrial Pesquera Santa Priscila SA (Santa Priscila)	0.80
Inepexa SA	0.80
Jorge Luis Benitez Lopez	0.80
Karpicorp SA	0.80
Luis Loaiza Alvarez	0.80
Mardex Cia. Ltda.	0.80
Marine	0.80
Marines CA	0.80
Mariscos de Chupadores Chupamar	0.80
Mariscos del Ecuador C. Ltda. (Marecuador)	0.80
Natural Select SA	0.80
Negocios Industriales Real Nirsa SA (NIRSA)	0.80
Novapesca SA	0.80
Ocean Fish	0.80
Oceaninvest SA	0.80
Oceanmundo SA	0.80
Oceanpro SA	0.80
Operadora y Procesadora de Productos Marinos SA (Omarsa)	0.80
Oyerly SA	0.80
P.C. Seafood SA	0.80
Pacfish SA	0.80
PCC Congelados & Frescos SA	0.80
Pescazul SA	0.80
Peslasa SA	0.80
Phillips Seafoods of Ecuador CA (Phillips)	0.80
Pisacua SA	0.80
Procesadora del Rio SA (Proriosa)	0.80
Productos Cultivados del Mar Proc.	0.80
Productos Cultivados del Mar Proculmar Cia. Ltda.	0.80
Productos del Mar Santa Rosa Cia. Ltda. (Promarosa)	0.80
Propemar SA	0.80
Provefrut	0.80
Rommy Roxana Alvarez Anchundia	0.80
Sea Pronto Hector Marty Canino (Sea Pronto)	0.80
Sociedad Atlantico Pacifico SA	0.80
Soitgar SA	0.80
Studmark SA	0.80
Tecnica y Comercio de la Pesca CA (TECOPESCA)	0.80
Tolyp SA	0.80
Trans Ocean	0.80
Transcity SA	0.80
Transmarina CA	0.80
Transocean Ecuador SA	0.80
Uniline Transport System	0.80

Assessment

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Because Promarisco and Songa each reported the entered value of all of their U.S. sales, we have calculated an importer–specific *ad valorem* duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for each respective importer. We have calculated a single importer–specific assessment rate for Promarisco and Songa, consistent with our practice in the final results of the 2006 2007 administrative review (*see Certain Frozen Warmwater Shrimp from Ecuador: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 39945 (July 11, 2008)). *See also Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and Singapore: Final Results of the Antidumping Administrative Reviews, Rescission of Administrative Review in part, and Determination Not to Revoke Order in Part*, 68 FR 35623 (June 16, 2003), and accompanying Issues and Decision Memorandum at Comment 9B; and *Notice of Final Results of Antidumping Duty Administrative Review and Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products From Canada*, 69 FR 75921 (December 20, 2004), and accompanying Issues and Decision Memorandum at Comment 13.

For the responsive companies which were not selected for individual review, we have calculated an assessment rate based on the simple average of the margins calculated for the companies selected for individual review excluding any which are de minimis or determined entirely on FA.

We will instruct Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis (i.e.*, at or above 0.50 percent). 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). *See* 19 CFR 351.106(c)(1). The Department will issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate established in the LTFV investigation if there is no rate for the intermediary involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

Discontinuation of Cash Deposit Requirements

On August 15, 2007, in accordance with sections 129(b)(4) and 129(c)(1)(B) of the Uruguay Round Agreements Act, the U.S. Trade Representative, after consulting with the Department and Congress, directed the Department to implement its determination to revoke the antidumping duty order on certain frozen warmwater shrimp from Ecuador. *See Implementation of the Findings of the WTO Panel in United States Antidumping Measure on Shrimp from Ecuador: Notice of Determination Under section 129 of the Uruguay Round Agreements Act and Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Ecuador*, 72 FR 48257 (August 23, 2007). Accordingly, the antidumping duty order on certain frozen warmwater shrimp from Ecuador was revoked effective August 15, 2007. As a result, we have instructed CBP to discontinue collection of cash deposits of antidumping duties on entries of the subject merchandise.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping

duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

September 8, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix Issues in Decision Memo

General Comments:

Comment 1: Offsetting of Negative Margins

Comment 2: Using CBP Data for Respondent Selection
Comment 3: Restricting Count–Size Comparisons Under the Model–Matching Methodology
Comment 4: Assessment Rate Assigned to Companies Receiving the Review–Specific Average Rate
Comment 5: Reporting of Raw Material Costs

Company–Specific Comments:

Promarisco

Comment 6: Use of Adverse Facts Available to Calculate Promarisco's Imputed Credit Expenses
Comment 7: Treatment of Promarisco's Bill of Lading Fees and Analysis and Inspection Fees
Comment 8: Adjustment of Promarisco's Indirect Selling Expenses
Comment 9: Treatment of Promarisco's U.S. and Comparison–Market Billing Adjustments

Comment 10: Payment Date Assigned for Certain U.S. sales
Comment 11: Treatment of Write–offs in G&A Expenses
Comment 12: Treatment of Promarisco's Interest Income Offset
Comment 13: Processing Costs for Block–Frozen Products
Comment 14: Calculation of Entered Value for a Certain U.S. Sale

Songa

Comment 15: Revision of Count–Size Range Model–Match Coding for Certain Head–On Shrimp Products
Comment 16: Completeness of Indirect Selling Expense Reporting
Comment 17: Inclusion of Foreign Exchange Losses in Songa's Financial Expense Ratio
Comment 18: Treatment of Depreciation for Revalued Fixed Assets in Fixed Overhead Costs
Comment 19: Amortization of the Cost of Export Certificates in Financial Expenses

Comment 21: Offset Adjustment to G&A Expenses for Certain Non–Operating Income Items

[FR Doc. E9–22186 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta from Italy: Final Results of the 12th (2007) Countervailing Duty Administrative Review

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

SUMMARY: The U.S. Department of Commerce (''the Department'') has completed its administrative review of the countervailing duty (''CVD'') order on certain pasta from Italy for the period January 1, 2007, through December 31, 2007. On May 28, 2009, we published the Preliminary Results of this review. *See Certain Pasta from Italy: Preliminary Results of the 12th (2007) Countervailing Duty Administrative Review*, 74 FR 25489 (May 28, 2009) (''*Preliminary Results*''). We did not receive any comments on the *Preliminary Results* and have made no revisions. We find that De Matteis Agroalimentare S.p.A. (''De Matteis'') received countervailable subsidies. The final net subsidy rate for De Matteis is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: September 15, 2009.

FOR FURTHER INFORMATION CONTACT: Shelly Atkinson or Brandon Farlander, AD/CVD Operations, Office 1, Import 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 July 24, 1996, the Department published a CVD order on certain pasta (''pasta'' or ''subject merchandise'') from Italy. *See Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta From Italy*, 61 FR 38544 (July 24, 1996). On July 11, 2008, the Department published a notice of ''Opportunity to Request Administrative Review'' of this CVD order for calendar year 2007, the period of review (''POR''). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 73 FR 39948 (July 11, 2008). On July 28, 2008, we received such a request from F.lli De Cecco di Filippo Fara San Martino S.p.A. (''De Cecco''). On July 31, 2008, we received a review request for review from De Matteis. On July 31, 2008, we received a collective request from New World Pasta Company, American Italian Pasta Company, and Dakota Growers Pasta Company (''petitioners'') for a review of De Matteis. In accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of this review on August 26, 2008. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 73 FR 50308 (August 26, 2008).

On September 15, 2008, we issued CVD questionnaires to the Commission of the European Union (''EU''), the Government of Italy (''GOI''), De Matteis, and De Cecco. We received responses to our questionnaires in October and November 2008. On December 22, 2008, De Cecco withdrew its request for review. On January 27, 2009, we rescinded the review with respect to De Cecco. *See Certain Pasta From Italy: Notice of Partial Rescission of Twelfth (2007) Countervailing Duty Administrative Review*, 74 FR 4734 (January 27, 2009).

We issued supplemental questionnaires to De Matteis and the GOI in December 2008, January 2009, and March 2009, and we received responses to our supplemental questionnaires in December 2008, February 2009, March 2009, and April 2009.

Since the publication of the *Preliminary Results*, we invited interested parties to submit briefs. No briefs were received.

Period of Review

The period for which we are measuring subsidies, or POR, is January 1, 2007, through December 31, 2007.

Scope of the Order

Imports covered by the order are shipments of certain non–egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by the scope of the order is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of the order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non–egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione, Bioagricoop S.r.l., QC&I International Services, Ecocert Italia, Consorzio per il Controllo dei Prodotti Biologici, Associazione Italiana per l'Agricoltura Biologica, or Codex S.r.l. In addition, based on publicly available information, the Department has determined that, as of August 4, 2004, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Bioagricert S.r.l. are also excluded from the order. *See* Memorandum from Eric B. Greynolds to Melissa G. Skinner, dated August 4, 2004, which is on file in the Department's Central Records Unit (''CRU'') in Room 1117 of the main Department building. In addition, based on publicly available information, the Department has determined that, as of March 13, 2003, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Instituto per la Certificazione Etica e Ambientale are also excluded from the order. See Memorandum from Audrey Twyman to Susan Kuhbach, dated February 28, 2006, entitled ''Recognition of Instituto per la Certificazione Etica e Ambientale (ICEA) as a Public Authority for Certifying Organic Pasta from Italy'' which is on file in the Department's CRU.

The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Scope Rulings

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling finding that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the antidumping (''AD'') and CVD orders. *See* Memorandum from Edward Easton to Richard Moreland, dated August 25, 1997, which is on file in the CRU.

(2) On July 30, 1998, the Department issued a scope ruling finding that multipacks consisting of six one–pound packages of pasta that are shrink–wrapped into a single package are within the scope of the AD and CVD orders. See Letter from Susan H. Kuhbach to Barbara P. Sidari, dated July 30, 1998, which is on file in the CRU.

(3) On October 26, 1998, the Department self–initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the AD and CVD orders. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the AD and CVD orders. *See* Memorandum from John Brinkmann to Richard Moreland, dated May 24, 1999, which is on file in the CRU.

(4) On April 27, 2000, the Department self–initiated an anti–circumvention inquiry to determine whether Pastificio Fratelli Pagani S.p.A.'s importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention with respect to the AD and CVD orders on pasta from Italy pursuant to section 781(a) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.225(b). *See Certain Pasta From Italy: Notice of Initiation of Anti–Circumvention Inquiry on the Antidumping and Countervailing Duty Orders*, 65 FR 26179 (May 5, 2000). On September 19, 2003, we published an affirmative finding of the anti–circumvention inquiry. *See Anti–Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta from Italy: Affirmative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders*, 68 FR 54888 (September 19, 2003).

Final Results of Review

In accordance with section 777A(e)(1) of the Act and 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for the producer/exporter covered by this administrative review. Neither the petitioners nor the respondents commented on the *Preliminary Results*, and we found that no changes were warranted. Therefore, we have made no changes to the net subsidy rate calculated for the *Preliminary Results*.

For the period January 1, 2007, through December 31, 2007, we find the net subsidy rate for the producer/exporter under review to be the rate specified in the chart shown below:

Producer/Exporter	Net Subsidy Rate
De Matteis Agroalimentare S.p.A.	2.48 percent
''All Others'' Rate	3.85 percent

Listed below are the programs we examined in the review and our findings with respect to each of these programs. For a complete analysis of the programs found to be countervailable, not countervailable and terminated, *see Preliminary Results*.

I. Programs Determined to be Countervailable

A. Industrial Development Grants Under Law 64/86
B. Industrial Development Grants Under Law 488/92
C. European Regional Development Fund (''ERDF'') Programma Operativo Plurifondo (''P.O.P.'') Grant

D. Social Security Reductions and Exemptions Sgravi
1. Law 196/97
2. Law 407/90
C. Law 289/02
1. Article 62 - Investments in Disadvantaged Areas
2. Article 63 - Increase in Employment

C. Law 662/96 Patti Territoriali
D. Law 662/96 Contratto di Programma

II. Programs Determined to be Not Countervailable

A. Social Security Reductions and Exemptions Sgravi
1. Law 223/91
a. Article 8, Paragraph 2
2. Legislative Decree (''L.D.'') 276/03 (modification to Law 25/55)

III. Programs Determined to Not be Used

A. Grant Received Pursuant to the Community Initiative Concerning the Preparation of Enterprises for

the Single Market (''PRISMA'')
B. European Regional Development Fund (''ERDF'') Programma Operativo Multiregionale (''P.O.M.'') Grant
C. Certain Social Security Reductions and Exemptions Sgravi (including Law 223/91, Article 8, Paragraph 4 and Article 25, Paragraph 9)
D. Law 236/93 Training Grants
E. Law 1329/65 Interest Contributions (Sabatini Law) (Formerly Lump–Sum Interest Payment Under the Sabatini Law for Companies in Southern Italy)
F. Development Grants Under Law 30 of 1984
G. Law 908/55 Fondo di Rotazione Iniziative Economiche (Revolving Fund for Economic Initiatives) Loans

H. Law 317/91 Benefits for Innovative Investments
I. Brescia Chamber of Commerce Training Grants
J. Ministerial Decree 87/02
K. Law 10/91 Grants to Fund Energy Conservation
L. Export Restitution Payments
M. Export Credits Under Law 227/77
N. Capital Grants Under Law 675/77
O. Retraining Grants Under Law 675/77
P. Interest Contributions on Bank Loans Under Law 675/77
Q. Preferential Financing for Export Promotion Under Law 394/81
R. Urban Redevelopment Under Law 181
S. Industrial Development Grants Under Law 183/76
T. Interest Subsidies Under Law 598/94
U. Duty–Free Import Rights
V. European Social Fund Grants
W. Law 113/86 Training Grants
X. European Agricultural Guidance and Guarantee Fund
Y. Law 341/95 Interest Contributions on Debt Consolidation Loans (Formerly Debt Consolidation Law 341/95)
Z. Interest Grants Financed by IRI Bonds

AA. Article 44 of Law 448/01

IV. Programs Determined To Have Been Terminated

A. Social Security Reductions and Exemptions - Sgravi
1. Law 863/84

V. Previously Terminated Programs

A. Regional Tax Exemptions Under IRAP

B. VAT Reductions Under Laws 64/86 and 675/55
C. Corporate Income Tax (''IRPEG'')
D. Remission of Taxes on Export Credit Insurance Under Article 33 of Law 227/77
E. Export Marketing Grants Under Law 304/90
F. Tremonti Law 383/01
G. Social Security Reductions and Exemptions - Sgravi
1. Article 44 of Law 448/01
2. Law 337/90

The calculations will be disclosed to the interested parties in accordance with 19 CFR 351.224(b).

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess countervailing duties for De Matteis at the net subsidy rate shown above. The Department intends to issue appropriate instructions directly to CBP 15 days after publication of these final results of review.

For all other companies that were not reviewed (except Barilla G. e R. F.lli S.p.A. and Gruppo Agricoltura Sana S.r.l., which are excluded from the order, and Pasta Lensi S.r.l., for which the order was revoked), the Department has directed CBP to assess countervailing duties on all entries between January 1, 2007, and December 31, 2007, at the rates in effect at the time of entry.

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties at the rates shown above on all shipments of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

For all non–reviewed firms (except Barilla G. e R. F.lli S.p.A. and Gruppo Agricoltura Sana S.r.l., which are excluded from the order, and Pasta Lensi S.r.l., for which the order was revoked), we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company–specific or all–others rate applicable to the company. These rates shall apply to all non–reviewed companies until a review of a company assigned these rates is requested.

This notice serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: September 8, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–22189 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–AY22

Fisheries of the Caribbean, Gulf of Mexico, South Atlantic; Gulf of Mexico Fisheries; Generic Amendment for Annual Catch Limits

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

ACTION: Notice of Intent (NOI) to prepare a draft environmental impact statement (DEIS); notice of scoping meetings; requests for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) and NMFS intend to prepare a DEIS to describe and analyze management alternatives to be included in a generic amendment to five of the Fishery Management Plans (FMPs) for the Gulf of Mexico. These alternatives will consider measures to implement annual catch limits (ACLs), accountability measures (AMs), and record keeping and reporting requirements. This notice of intent solicits public comments on the scope of issues to be addressed in the DEIS.

DATES: Written comments on the scope of issues to be addressed in the DEIS must be received by the Council October 15, 2009. A series of scoping meetings will be held in September 2009. See **SUPPLEMENTARY INFORMATION** below for the specific dates, times, and locations of the scoping meetings.

ADDRESSES: Written comments on the scope of the DEIS, suggested alternatives and potential impacts, and requests for additional information should be sent to Rich Malinowski, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701–5505; fax 727–825–5308; or to the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; fax 813–348–1711. Comments may also be sent by e-mail to 0648–AY22@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, phone: (727) 824–5305;

fax: (727) 824–5308; email: *rich.malinowski@noaa.gov*.

SUPPLEMENTARY INFORMATION: On January 12, 2007, Congress amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) with passage of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act -(MSRA). While maintaining the requirement that ''conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry,'' the MSRA added new requirements to end and prevent overfishing. The new requirements include the use of ACLs, and ''measures to ensure accountability'' (AMs).

Specifically, the MSRA requires that FMPs ''establish a mechanism for specifying annual catch limits in the plan (including a multi-year plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability'' (Section 303(a)(15)). Further, the MSRA requires such measures be implemented by 2010 for fisheries determined by the Secretary of Commerce (Secretary) to be subject to overfishing and by 2011 for all other fisheries. The AMs are management controls that ensure the ACLs are not exceeded. Examples of AMs include corrective measures if overages occur and implementation of an in-season monitoring program.

The generic amendment is intended to modify five of the Council's FMPs. These include FMPs for: Reef Fish Resources, Shrimp, Stone Crab, Coral and Coral Reef Resources, and Red Drum. NMFS and the Council will develop these ACLs in co-operation with the Scientific and Statistical Committee. NMFS, in collaboration with the Council, will develop a DEIS to evaluate alternatives and actions for the ACLs. Some examples of these actions include: establishing sector specific ACLs, selecting levels of risk associated with species yields, considering removal or withdrawal of species from FMPs, and delegating species or species assemblages to state regulators.

In accordance with NOAA's Administrative Order NAO 216–6, Section 5.02(c), the Council has identified this preliminary range of alternatives as a means to initiate discussion for scoping purposes only. This may not represent the full range of alternatives that eventually will be evaluated by the Council.

Locations, Dates and Times of Scoping Meetings

Scoping meetings will begin at 6 p.m. at the following locations:

Monday, September 21, 2009—Monroe County Government Center, 1200 Truman Avenue, Key West, FL 33040.

Monday, September 21, 2009—Louisiana Wildlife & Fisheries, 195 Ludwig Annex, Grand Isle, LA 70358.

Tuesday, September 22, 2009—Banana Bay, 4590 Overseas Highway, Marathon, FL 33050.

Tuesday, September 22, 2009—Best Western, 7921 Lamar Poole Road, Biloxi, MS 39532.

Tuesday, September 22, 2009—Holiday Inn- Emerald Beach, 1102 South Shoreline Boulevard, Corpus Christi, TX 78401.

Wednesday, September 23, 2009—City of Madeira Beach,300 Municipal Drive, Madeira Beach, FL 33708.

Wednesday, September 23, 2009—Springhill Suites, 7922 Moley Road, Houston, TX 77061.

Wednesday, September 23, 2009—City of Orange Beach, 27235 Canal Road, Orange Beach, AL 36561.

Wednesday, September 24, 2009—NMFS Lab, 3500 Dellwood Beach Drive, Panama City, FL 32408.

Copies of the scoping document are available from the Council (see **ADDRESSES**) or may be downloaded from the Council Web site, www.gulfcouncil.org.

Special Accommodations

The meetings will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council (see **ADDRESSES**).

After the DEIS associated with the regulatory action is completed, it will be filed with the Environmental Protection Agency (EPA). The EPA will publish a notice of availability of the DEIS for public comment in the **Federal Register**. The DEIS will have a 45–day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA's Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The Council and NMFS will consider public comments received on the DEIS in developing the final environmental impact statement (FEIS) and before adopting final management measures for the action. NMFS will submit both the final measures and the supporting FEIS to the Secretary for review, approval, and implementation. NMFS will announce in the **Federal Register** the availability of the final amendment and FEIS for public review during the secretarial review period, and will consider all public comments prior to final agency action to approve, disapprove, or partially approve the final amendment.

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

Dated: September 9, 2009.

Emily H. Menashes,

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

[FR Doc. E9–22178 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR61

Marine Mammals; File No. 14535

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Colleen Reichmuth, Ph.D., University of California at Santa Cruz, Long Marine Laboratory, 100 Shaffer Road, Santa Cruz, CA, has applied in due form for a permit to conduct research on captive pinnipeds.

DATES: Written, telefaxed, or e-mail comments must be received on or before October 15, 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. 14535 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)713–0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education

Division, at the address listed above. Comments may also be submitted by facsimile to (301)713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Kate Swails, (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 proposed five-year permit comprises a continuation of psychological and physiological studies at Long Marine Laboratory with captive pinnipeds, including California sea lions (*Zalophus californianus*); harbor seals (*Phoca vitulina*); and northern elephant seals (*Mirounga angustirostris*), designed to evaluate their perceptual and cognitive capabilities. Measurements obtained using behavioral and physiological methods will be used to improve knowledge of pinniped sensory adaptations, examine cognitive mechanisms for acquiring and processing sensory information, and develop procedures for rapidly and humanely studying marine mammal hearing and the effects of anthropogenic noise. The captive animals are trained to voluntarily participate in behavioral stimulus detection and discrimination paradigms that may be conducted in air or under water. The applicant currently holds one California sea lion, one harbor seal, and one northern elephant seal, and requests permission to obtain additional animals for the research program over the duration of the permit, not to exceed a total of two of each species listed above. Additional animals would be obtained from captive and rehabilitation facilities, including permanently captive and non-releasable rehabilitated animals. If those sources are not available, releasable rehabilitated animals from West Coast rehabilitation facilities are requested.

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 the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 9, 2009.

P. Michael Payne,

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

[FR Doc. E9–22180 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

The Manufacturing Council: Meeting of The Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Manufacturing Council will hold a meeting to deliberate a letter of recommendation regarding the U.S. manufacturing industry. The Board was re-chartered on April 10, 2008, to advise the Secretary of Commerce on matters relating to the U.S. manufacturing industry.

DATES: October 1, 2009.

Time: 2:30 p.m. (ET).

ADDRESSES: Department of Commerce, 1401 Constitution Avenue, NW., Room 4830, Washington, DC, 20230. Because of building security, all non-government attendees must pre-register. This program will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than September 25, 2009, to J. Marc Chittum, The Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone 202–482–4501, *Marc.Chittum@mail.doc.gov.*

FOR FURTHER INFORMATION CONTACT: J. Marc Chittum, The Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone: 202–482–4501, e-mail: *Marc.Chittum@mail.doc.gov.*

Dated: September 10, 2009.

J. Marc Chittum,

Executive Secretary, U.S. Travel and Tourism Advisory Board.

[FR Doc. E9–22242 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of NIST Partnership Opportunities for Technology Transfer

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Announcement of NIST Partnership Opportunities for Technology Transfer.

SUMMARY: The National Institute of Standards and Technology (NIST) is interested in working with regional, state and local economic development organizations, technology incubation centers, technology-oriented public-private business development initiatives and other organizations and partnerships to facilitate the transfer of technologies developed within the NIST Labs to the private sector through potential licensing and/or collaboration. A sampling of commercially viable technologies developed at the NIST Labs may be viewed at: *http://www.nist.gov/patents.* This is not an opportunity to apply for government funding and NIST will not make any funds available to any party pursuant to this announcement.

FOR FURTHER INFORMATION CONTACT: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Clara Asmail, Building 222, Room A242, Gaithersburg, MD 20899. Information is also available via telephone: 301–975–2239, fax 301–975–3482, or e-mail: *clara.asmail@nist.gov.* Please reference ''Opportunities for Tech Transfer Partnerships'' in any communications.

Dated: September 10, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–22205 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for

certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. EDA has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT

[8/1/2009 through 8/31/2009]

Firm	Address	Date accepted for filing	Products
Decore-Ative Specialties, Inc	2772 South Peck Road Monrovia, CA 91016.	8/24/2009	Wood cabinet doors & drawers for use in custom home remodeling. They also manufacture a laminated thermo-Foil door product.
C & R Plating Corp	302 Factory St. Columbia City, IN 46725	8/10/2009	Plating of parts for industrial sectors.
Miniature Precision Components, Inc	100 Wisconsin St. Walworth, WI 53184–1901.	8/14/2009	Plastic components for automobiles and other industries.
JEN Manufacturing, Inc	3 Latti Farm Road Millbury, MA 01527	8/6/2009	Polyurethane foam disposable paint brushes and roller refills.
Southern Mattress Co., Inc	P.O. Box 645 Rocky Mount, NC 27802	8/12/2009	Mattresses and box springs.
St. Joseph Packaging, Inc	4514 Easton Road St. Joseph, MO 64503.	8/11/2009	Folding cartons and displays made of paper and paperbox material.
Genesee Packaging, Inc	2010 N Dort Highway Flint, MI 48506	8/10/2009	Rigid boxes and cartons of paper or paperboard.
R.H. LeMieur Corp.	638 Patriots Road Templeton, MA 01468	8/10/2009	Dining room furniture, bar stools, benches, desk chairs, rocking chairs, hutches, cabinets, hunt boards and buffets.
Cloverdale	3015 34th Street, NW Mandan, ND 58554.	8/6/2009	Sausages and other prepared meat products.
Alliance Laundry Systems, LLC	221 Shepard Street Ripon, WI 54971	8/12/2009	The company is a manufacturer of laundry machines for the commercial, industrial, and consumer industries.
Prospect Machine Products, Inc	139 Union City Road, PO Prospect, CT 06712.	8/10/2009	Drawn metal stampings.
Jagemann Stamping Company	5757 West Custer Street Manitowoc, WI 54220.	8/13/2009	Motor housings, clamps, and various other steel components.
Mold-A-Matic Corporation	147 River Street Oneonta, NY 13820–2239.	8/24/2009	Plastic injection molding products and pressure switches.
Freeway Corporation	9301 Allen Drive Cleveland, OH 44125	8/13/2009	Washers, bearings, turned metal products, stampings and assemblies.
American Cord and Webbing Co., Inc	88 Century Drive Woonsocket, RI 02895	8/14/2009	Stamped metal closures, plastic closures, cord and twine.
Hoist Liftruck Mfg., Inc	6499 W. 65th Street Bedford Park, IL 60638.	8/13/2009	Heavy-duty lift trucks.
Reed & Prince Manufacturing Corporation.	8 Mohawk Drive Leominster, MA 01453	8/11/2009	Fasteners.
Mass Integrated Systems Inc	18 Henry Graf Road, Unit 1 Newburyport, MA 01950.	8/11/2009	Value added LCD goods.
Cameron Glass, Inc	3550 W. Tacoma St. Broken Arrow, OK 74012.	8/10/2009	Tempered Glass.
Quality Control Corp	7315 West Wilson Avenue Harwood, IL 60706.	8/10/2009	Steering, braking, fuel system, pumps, actuators, air tools, directional control valves and surgical medical devices components. Manufacturing services include project management, management systems, material control, assembly and testing, and heat treating.
Glenn Ihde & Company	4500 W Eldorado Pkwy. McKinney, TX 75070.	8/10/2009	Structural steel engineering.
Standard Plating Inc	964 Main Street W. Springfield, MA 01089.	8/11/2009	Metal finishing services.
Julius Koch USA, Inc	387 Church Street New Bedford, MA 02745.	8/11/2009	Custom-dyed knit, woven tape and cord for decorator window and blind treatments and a complete line of cordage for vertical blinds and pleated shades.
Beacon Group, Inc	85 Granby Street Bloomfield, CT 06002	8/11/2009	Hubs, shafts, disks, seals, rings, housings, cases and gear boxes for the aerospace industry.
Gamblin Enterprises Inc, dba All American.	926 5th Ave. South Kent, WA 98032	8/11/2009	Zinc, rack and barrel plating.
Eastman Machine Company	779 Washington Street Buffalo, NY 14203–1308.	8/11/2009	Industrial cutting and spreading equipment for flexible materials.
Henry Molded Products, Inc	71 North 16th Street Lebanon, PA 17042.	8/24/2009	Molded pulp protective packaging materials.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Office of Performance Evaluation, Room 7009, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. Please follow the procedures set forth in Section 315.9 of EDA's final rule (71 FR 56704) for procedures for requesting a public hearing. The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

William P. Kittredge,

Program Officer for TAA.

[FR Doc. E9–22148 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–944]

Certain Oil Country Tubular Goods From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination

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

SUMMARY: The Department of Commerce preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain oil country tubular goods from the People's Republic of China. For information on the estimated subsidy rates, see the ''Suspension of Liquidation'' section of this notice.

DATES: *Effective Date:* September 15, 2009.

FOR FURTHER INFORMATION CONTACT: David Neubacher, Shane Subler, Magd Zalok, Maryanne Burke, and Henry Almond, 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) 482–5823, (202) 482–0189, (202) 482–4162, (202) 482–5604, and (202) 482–0049, respectively.

SUPPLEMENTARY INFORMATION:

Case History

The following events have occurred since the publication of the Department of Commerce's (''Department'') notice of initiation in the **Federal Register**. *See Certain Oil Country Tubular Goods from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 74 FR 20678 (May 5, 2009) (''*Initiation Notice*''), and the accompanying Initiation Checklist.

On May 13, 2009, Maverick Tube Corporation, United States Steel Corporation, TMK IPSCO, V&M Star LP, Wheatland Tube Corporation, Evraz Rocky Mountain Steel, and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (''United Steelworkers'') (collectively, the ''petitioners'') submitted new subsidy allegations requesting the Department to expand its countervailing duty (''CVD'') investigation to include additional subsidy programs.[1] On June 4, 2009, the Department declined to investigate these allegations as the petitioners did not allege the elements necessary for the imposition of CVDs or failed to support these allegations with reasonably available evidence. *See* Memorandum to Susan Kuhbach, Director, AD/CVD Operations, Office 1, ''Analysis of Petitioners' New Subsidy Allegations'' (June 4, 2009).

On June 3, 2009, the Department selected four Chinese producers/exporters of certain oil country tubular goods (''OCTG'') as mandatory respondents, Jiangsu Changbao Steel Tube Co., Ltd. (''Changbao''), Tianjin Pipe (Group) Co. (''TPCO''), Wuxi Seamless Oil Pipe Co., Ltd. (''Wuxi''), and Zhejiang Jianli Enterprise Co., Ltd. (''Jianli''). *See* Memorandum to John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Respondent Selection Memo'' (June 3, 2009). This memorandum is on file in the Department's Central Records Unit in Room 1117 of the main Department building (''CRU''). On the same date, we issued the CVD questionnaires to the Government of the People's Republic of China (''GOC''), Changbao, TPCO, Wuxi, and Jianli.

On June 10, 2009, the U.S. International Trade Commission (''ITC'') issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of allegedly subsidized imports of certain oil country tubular goods from the People's Republic of China (''PRC''). *See Certain Oil Country Tubular Goods from China; Determinations,* Investigation Nos. 701–TA–463 and 731–TA–1159, 74 FR 27559 (June 10, 2009).

On June 15, 2009, the Department postponed the deadline for the preliminary determination in this investigation until September 8, 2009. *See Certain Oil Country Tubular Goods from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 74 FR 28220 (June 15, 2009).

We received responses to our questionnaire from the GOC, Changbao, TPCO, Wuxi, and Jianli on July 20, 2009. *See* the GOC's Original Questionnaire Response (July 20, 2009) (''GQR''), Changbao's Original Questionnaire Response (July 20, 2009) (''CQR''), TPCO's Original Questionnaire Response (July 20, 2009) (''TQR''), Wuxi's Original Questionnaire Response (July 20, 2009) (''WQR''), and Jianli's Original Questionnaire Response (July 20, 2009) (''JQR''). On August 26, 2009, TPCO provided a response on behalf of TPCO Charging Development Co., Ltd. (''TCQR''). On September 1, 2009, TPCO provided a response on behalf of Tianjin Pipe Investment Holding Co., Ltd. (''TPCO Holding QR'').

We sent supplemental questionnaires to Changbao, TPCO, Wuxi, and Jianli on August 7, 2009 and to the GOC on July 27, 2009, August 11, 2009 and August 28, 2009. We received responses to these supplemental questionnaires as follows: Changbao's First Supplemental Response on August 21, 2009; Jianli's First Supplemental Response on August 21, 2009; TPCO's First Supplemental Response, part 1 on August 21, 2009, and part 2 on August 26, 2009; Wuxi's First Supplemental response (''W1SR'') on August 24, 2009; the GOC's Cross-Owned Affiliates Supplemental on August 3, 2009; GOC's First Supplemental Response (''G1SR'') on August 26, 2009; and GOC's Second Supplemental Response (''G2SR'') on September 1, 2009.

On July 23, 2009, Maverick Tube Corporation requested that the Department extend the deadline for the submission of new subsidy allegations beyond the July 30, 2009 deadline established by the Department's regulations. On July 24, 2009, we declined to extend the deadline. On July 30, 2009, the petitioners submitted additional new subsidy allegations to the Department.[2] Jianli and the GOC

[1] *See* the petitioners' Submission of New Subsidy Allegations (May 13, 2009).

[2] The petitioners, collectively, alleged that the GOC confers a subsidy on OCTG through its export restrictions on steel rounds. Maverick Tube Corporation made allegations regarding subsidies to respondent Jianli. United States Steel Corporation made allegations regarding subsidies to respondents

filed comments on the new subsidy allegations on August 3 and 5, 2009, respectively. The Department is currently reviewing these new subsidy allegations.

On July 29, 2009, the petitioners submitted comments on the questionnaire responses filed by the GOC and the respondents.[3] The petitioners provided comments on August 25, 26, 28 and 31, regarding certain issues for the preliminary determination.[4] Jianli provided comments on September 1, 2009. The GOC provided comments on August 31, 2009, and September 4, 2009.

Scope Comments

In accordance with the preamble to the Department's regulations, we set aside a period of time in our *Initiation Notice* for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of that notice. *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997), and *Initiation Notice,* 74 FR at 20678. We did not receive comments concerning the scope of the antidumping duty (''AD'') and CVD investigations of OCTG from the PRC.

Scope of the Investigation

The scope of this investigation consists of OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (''API'') or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The OCTG coupling stock covered by the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, and 7304.59.80.80.

The HTSUS subheadings are provided for convenience and customs purposes only, the written description of the scope of this investigation is dispositive.

Period of Investigation

The period for which we are measuring subsidies, *i.e.,* the period of investigation (''POI''), is January 1, 2008, through December 31, 2008.

Critical Circumstances

In their April 8, 2009, petition, the petitioners requested that the Department make an expedited finding that critical circumstances exist with respect to imports of OCTG from the PRC. Section 703(e)(1) of the Act states that if the petitioner alleges critical circumstances, the Department will determine, on the basis of information available to it at the time, if there is a reason to believe or suspect the alleged countervailable subsidy is inconsistent with the WTO Agreement on Subsidies and Countervailing Measures and whether there have been massive imports of the subject merchandise over a relatively short period.

In accordance with 19 CFR 351.206(c)(2)(i), because the petitioners submitted a critical circumstances allegation more than 20 days before the scheduled date of the preliminary determination, the Department must issue a preliminary critical circumstances determination not later than the date of the preliminary determination. *See, e.g., Change in Policy Regarding Timing of Issuance of Critical Circumstances Determinations,* 63 FR 55364 (October 15, 1998). However, due to resource constraints and the complex issues involved in this case, we were unable to accommodate the petitioners' request that the Department make our determination on an expedited basis.

In determining whether there are ''massive imports'' over a ''relatively short period,'' pursuant to section 703(e)(1)(B) of the Act, the Department normally compares the import volume of the subject merchandise for three months immediately preceding the filing of the petition (*i.e.,* the base period) with the three months following the filing of the petition (*i.e.,* the comparison period). *See* 19 CFR 351.206(i). However, this regulation further provides that ''if the Secretary finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding that a proceeding was likely, then the Secretary may consider a period of not less than three months from that earlier time.'' In their critical circumstances allegation, the petitioners allege that exporters and producers had reason to believe a proceeding covering OCTG from the PRC would likely be instituted as of July 2008. Consequently, the petitioners request that the Department use January through July 2008 as the base period and July through December 2008 as the comparison period.

In this allegation, the petitioners assert that producers and exporters had reason to believe a proceeding was likely well in advance to the ultimate filing of the petition based on the

TPCO and Wuxi. TMK IPSCO, V&M Star L.P., Wheatland Tube, Evraz Rocky Mountain Steel and the United Steelworkers made allegations regarding subsidies to respondent Changbao.

[3] Maverick Tube Corporation submitted comments on the JQR and GQR. United States Steel Corporation submitted comments on the TQR and WQR. TMK IPSCO, V&M Star L.P., Wheatland Tube, Evraz Rocky Mountain Steel and the United Steelworkers submitted comments on the CQR.

[4] Maverick Tube Corporation, TMK IPSCO, V&M Star L.P., Wheatland Tube, Evraz Rocky Mountain Steel and the United Steelworkers submitted comments relations related to the GOC. Maverick Tube Corporation submitted comments on issues relating to Jianli and the GOC. United States Steel Corporation submitted comments on the provision of steel rounds and coke, TPCO, and Wuxi. TMK IPSCO, V&M Star L.P., Wheatland Tube, Evraz Rocky Mountain Steel and the United Steelworkers submitted comments on Changbao.

following events: An October 2007 conference presentation alluding to a possible ''trade case;'' [5] the Department's November 2007 CVD determinations covering carbon quality steel pipe and light-walled rectangular pipe and tube; Canada's March 2008 imposition of AD and CVD on ''seamless carbon or alloy steel oil and gas well casings;'' [6] a March 2008 statement from a PRC distributor of OCTG that ''only the issuing of anti-dumping duties will be able to cut imports from China;'' the Department's initiation of AD and CVD proceedings on certain circular welded carbon quality steel line pipe from the Republic of Korea and the PRC; the May and June affirmative findings by the ITC and the Department regarding the above-mentioned pipe cases; a June 2008 Associated Press article which states that the other pipe rulings ''could be the first of a wave of victories by U.S. companies battling Chinese imports;'' and, in July 2008, the European Union (''EU'') initiated AD investigations of seamless tubular products from the PRC. *See* Volume IV of the Petition (''Critical Circumstances Allegation'') at 3–7 and Exhibits IV–1 through IV–7. The petitioners allege that these events culminated in the July 21, 2008, warning by Hou Yin of China Iron & Steel Association that ''the U.S. may start an anti-dumping investigation on Chinese seamless pipes soon.'' *See* Critical Circumstances Allegation at 6–7 and Exhibit IV–8.

Although the Department has found producers and exporters had reason to believe that a proceeding was likely prior to a petition being filed in prior cases,[7] the evidence put forth by the petitioners in this case does not indicate that producers and exporters here had reason to believe that a proceeding was likely as of July 2008. The petitioners point to a litany of events dating back to October 2007 to indicate that the industry was on notice of a potential case. However, the bulk of those events occurred in what the petitioners would have the Department use as the ''base period''—the period where we are to assume the industry did not have reason to believe a proceeding was likely. The petitioners point primarily to a reported statement by a representative of the China Iron & Steel Association that ''the U.S. may start an anti-dumping investigation on Chinese seamless pipes soon, following the EU.'' This statement, taken in the context of the other events cited by the petitioners, is not enough to demonstrate that producers, exporters, and importers of OCTG from the PRC had, or should have had, reason to believe the filing of a petition was likely as of July 2008. The events cited by the petitioners, unlike the events the Department has relied on in similar cases, are very speculative. Therefore, we find that the petitioners have not demonstrated that importers, exporters, or producers, had reason to believe, at some time prior to the beginning of the proceeding that a proceeding covering OCTG from the PRC was likely.

Consequently, in accordance with 19 CFR 351.206(i), we are using the three months preceding the filing of the petition as the base period (*i.e.,* January to March 2009) and the three months following the filing of the petition as the comparison period (*i.e.,* April to June 2009). The data provided by the respondents and the data for shipments by other exporters from the ITC's Dataweb (adjusted to remove shipments made by the four respondents participating in this investigation) show there were no massive increases in shipments, as required by 19 CFR 351.206(h). For further discussion, *see* the Memorandum to the File Re ''Critical Circumstances Analysis'' (September 8, 2009), on file in the Department's CRU. Notwithstanding whether any respondents received any subsidies inconsistent with the WTO Agreement on Subsidies and Countervailing Measures, because we find that there was no massive increase in shipments from the base period to the comparison period, we preliminarily find that critical circumstances do not exist with regard to OCTG from the PRC.

Application of the Countervailing Duty Law to Imports From the PRC

On October 25, 2007, the Department published *Coated Free Sheet Paper from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 72 FR 60645 (October 25, 2007) (''*CFS from the PRC*''), and the accompanying Issues and Decision Memorandum (''CFS Decision Memorandum''). In *CFS from the PRC,* the Department found that:

> given the substantial differences between the Soviet-style economies and China's economy in recent years, the Department's previous decision not to apply the CVD law to these Soviet-style economies does not act as a bar to proceeding with a CVD investigation involving products from China.

See CFS Decision Memorandum, at Comment 6. The Department has affirmed its decision to apply the CVD law to the PRC in subsequent final determinations. *See, e.g., Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances,* 73 FR 31966 (June 5, 2008), and accompanying Issues and Decision Memorandum (''CWP Decision Memorandum''), at Comment 1.

Additionally, for the reasons stated in the CWP Decision Memorandum, we are using the date of December 11, 2001, the date on which the PRC became a member of the World Trade Organization, as the date from which the Department will identify and measure subsidies in the PRC. *See* CWP Decision Memorandum, at Comment 2.

Use of Facts Otherwise Available and Adverse Inferences

Sections 776(a)(1) and (2) of the Act provide that the Department shall apply ''facts otherwise available'' if, *inter alia,* necessary information is not on the record or an interested party or any other person: (A) withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

Section 776(b) of the Act further provides that the Department may use an adverse inference in applying the facts otherwise available when a party has failed to cooperate by not acting to

[5] *See* Volume IV of the petition at 4 and page 15 of Exhibit V, which states, in relevant part: ''Those who believe that OCTG prices could spike also argue that a trade case could soon be filed against Chinese OCTG producers. But that case may be hard to argue with imports in general declining and mills reporting strong profits.''

[6] We note that although the petitioners characterize this Canadian proceeding as one covering OCTG, Canada did not initiate proceedings against OCTG until August 24, 2009. *See http://www.cbsa-asfc.gc.ca/sima-lmsi/i-e/ad1385/ad1385-i09-ni-eng.html*

[7] *See, e.g., Notice of Final Antidumping Duty Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 37116 (June 23, 2003), and accompanying Issues and Decision Memorandum at Comment 7 (finding reason to believe a case was likely based upon widely disseminated newspaper articles stating: ''America's catfish industry, stung by dropping prices triggered by a flood of cheaper fish from Vietnam, is gearing up for a possible antidumping campaign'' and ''Vietnamese seafood exporters are entering a new war on the U.S. market, as American rivals are lobbying on an anti-dumping taxation''); and *Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod From Germany,* 67 FR 55802 (August 30, 2002) and accompanying Issues and Decision Memorandum at Comment 6 (finding reason to believe a case was likely based upon trade publication which ''alerted steel wire rod importers, exporters, and producers the proceedings concerning the subject merchandise were likely in a number of countries'').

the best of its ability to comply with a request for information.

GOC

The Department is investigating the alleged provision of steel rounds for less than adequate remuneration by the GOC and we requested information from the GOC about the PRC's steel rounds industry in general, and about the specific companies that produced the steel rounds purchased by the mandatory respondents. In both respects, the GOC has failed to provide the requested information within the established deadlines.

Regarding the PRC's steel rounds industry in general, the GOC responded in its July 20, 2009, initial questionnaire response that the term ''steel rounds'' was not clearly defined, but that it understood the term to refer to steel billets in a round shape that can be used to produce OCTG. Based on that definition, the GOC went on to state that there are no official statistics readily available regarding the production and consumption of this product in the PRC and that the GOC was working to gather the requested information. In its August 26, 2009, supplemental questionnaire response, the GOC reported that it had not identified any additional information regarding the steel rounds industry in large part because steel rounds are an input product and the National Statistics Bureau does not maintain data on inputs. On August 28, 2009, the Department sent a second supplemental questionnaire on this issue, asking the GOC to provide the production and consumption generally of the broader category of products, ''steel billets.'' The GOC responded on September 1, 2009, that the data requested by the Department are not available because the National Statistics Bureau also does not keep data on this product.

Regarding the second aspect of our investigation of this alleged subsidy, the specific companies that produced the steel rounds purchased by the mandatory respondents, the Department asked the GOC to provide particular ownership information for these producers so that we could determine whether the producers are ''authorities'' within the meaning of section 771(5)(B) of the Act. Specifically, we stated in our questionnaire that the Department normally treats producers that are majority owned by the government or a government entity as ''authorities.'' Thus, for any steel rounds producers that were majority government-owned, the GOC only needed to provide the additional ownership information described below if it wished to argue that those producers were not ''authorities.'' For each of the steel rounds producers that were not majority-owned by the government, the Department requested the following information: translations of the 2007 and 2008 annual reports (if the 2008 report was not yet available, the 2006 and 2007 annual reports); translation of the most recent capital verification report; translation of the most recent articles of association; the names of the ten largest shareholders and the total number of shareholders, indicating any affiliations between these shareholders and the government; the total level (percentage) of government ownership of the company's shares, the names of all government entities that own shares in the company, and the amount of shares held by each; a statement of whether any of the shares held by government entities have any special rights, priorities, or privileges, *e.g.,* with regard to voting rights or other management or decision-making for the company, or whether there are any restrictions on conducting, or acting through, extraordinary meetings of shareholders, or whether there any restrictions on the shares held by private shareholders; a description of the nature of the private shareholders' interest in the company, *e.g.,* operational, strategic, or investment-related, *etc.;* whether any members of the board of directors, or other senior company officials, were appointed by the government or by the government entities that hold shares in the company; whether any directors on the company's board of directors are government officials or otherwise affiliated with a government agency or other government-owned companies; the extent to which the company has pursued government industrial policies or interests; the extent to which operational or strategic decisions that are made by the management or board of directors subject to government review or approval; whether the company was created pursuant to specific Chinese statutes; other means through which the government exercises influence over this company; and, if the company has a foreign strategic investor(s), the role of this shareholder and the rights of this shareholder with respect to the number of board members it may nominate and select, and whether the foreign investor nominated the president or CEO of the company.

In its initial questionnaire response, the GOC provided a partial response addressing the creation of steel rounds producers by statute and stating that it does not exercise influence over the steel rounds producers in which it has an ownership interest. In its supplemental questionnaire responses, the GOC provided a list of the companies that produced the steel rounds purchased by the mandatory respondents and classified each according to one of three ownership types: SOE (have 50 percent or more government ownership); privately held, or FIE (foreign invested enterprise). None of the requested documentation was provided for any of these producers. Instead, the GOC stated that ''the data gathered and supplied by the GOC and the respondents already in this investigation should accomplish the Department's purpose.''

On August 28, 2009, the petitioners submitted comments that included information indicating that numerous steel rounds producers designated by the GOC as being privately held or as foreign invested enterprises (''FIEs'') are, in fact, majority-government owned. Thus, the GOC not only failed to provide the requested documentation regarding the ownership of the steel rounds producers, but record information indicates that the GOC's designation of certain producers was incorrect. On this basis, we preliminarily determine that the GOC has not acted to the best of its ability to provide the information needed for this investigation and, hence, has failed to cooperate. Consequently, an adverse inference is warranted in the application of facts available. As adverse facts available (''AFA''), we are treating all but one of the producers of steel rounds supplied to the mandatory respondents as authorities. The one exception is Tuoketuo County Mengfeng Special Steel Company, Ltd. (''Mengfeng''), which was owned by respondent, Wuxi, at the time Mengfeng began producing billets in 2008. As explained below under ''Subsidies Valuation Information—Attribution of Subsidies'' subsidies to this supplier are being attributed to OCTG produced and sold by Wuxi. Record evidence makes clear that Mengfeng was majority owned and controlled by Wuxi, a privately owned company.

As noted above, the GOC also failed to provide requested information about the production and consumption of steel rounds or billets generally. In light of this, we preliminarily determine that the GOC has not acted to the best of its ability to provide the information needed for this investigation and, hence, has failed to cooperate. Consequently, an adverse inference is warranted in the application of facts available. As AFA, we are assuming that the GOC's dominance of the market in the PRC for

this input results in significant distortion of the prices and, hence, that use of an external benchmark is warranted.

The Department's practice when selecting an adverse rate from among the possible sources of information is to ensure that the result is sufficiently adverse ''as to effectuate the statutory purposes of the adverse facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Notice of Final Determination of Sales at Less than Fair Value: Static Random Access Memory Semiconductors From Taiwan,* 63 FR 8909, 8932 (February 23, 1998). The Department's practice also ensures ''that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See* Statement of Administrative Action (''SAA'') accompanying the Uruguay Round Agreements Act, H. Doc. No. 316, 103d Cong., 2d Session (1994), at 870.

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation or review, it shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. Secondary information is ''information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See e.g.,* SAA, at 870. The Department considers information to be corroborated if it has probative value. *See id.* To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. The SAA emphasizes, however, that the Department need not prove that the selected facts available are the best alternative information. *See* SAA, at 869.

To corroborate the Department's treatment of the companies that produced the steel rounds and billets purchased by the mandatory respondents as authorities and our finding that the GOC dominates the domestic market for this input, we are relying on *Circular Welded Carbon Quality Steel Line Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 73 FR 70961 (November 24, 2008) (*''Line Pipe from the PRC''*). In that case, the Department determined that the GOC owned or controlled the entire hot-rolled steel industry in the PRC. *See Line Pipe from the PRC* and accompanying Issues and Decision Memorandum at Comment 1. Evidence on the record of this investigation shows that many steel producers in the PRC are integrated, producing both long products (rounds and billets) and flat products (hot-rolled steel). (*See* Memorandum to the File, ''Additional Information on Steel Rounds,'' dated September 8, 2009). Consequently, government ownership in the hot-rolled steel industry is a reasonable proxy for government ownership in the steel rounds and billets industry.

Subsidies Valuation Information

Allocation Period

The average useful life (''AUL'') period in this proceeding, as described in 19 CFR 351.524(d)(2), is 15 years according to the U.S. Internal Revenue Service's 1977 Class Life Asset Depreciation Range System. *See* U.S. Internal Revenue Service Publication 946 (2008), *How to Depreciate Property,* at Table B–2: Table of Class Lives and Recovery Periods. No party in this proceeding has disputed this allocation period.

Attribution of Subsidies

The Department's regulations at 19 CFR 351.525(b)(6)(i) state that the Department will normally attribute a subsidy to the products produced by the corporation that received the subsidy. However, 19 CFR 351.525(b)(6)(ii)–(v) directs that the Department will attribute subsidies received by certain other companies to the combined sales of those companies if (1) cross-ownership exists between the companies, and (2) the cross-owned companies produce the subject merchandise, are a holding or parent company of the subject company, produce an input that is primarily dedicated to the production of the downstream product, or transfer a subsidy to a cross-owned company.

According to 19 CFR 351.525(b)(6)(vi), cross-ownership exists between two or more corporations where one corporation can use or direct the individual assets of the other corporation(s) in essentially the same ways it can use its own assets. This regulation states that this standard will normally be met where there is a majority voting interest between two corporations or through common ownership of two (or more) corporations. The Court of International Trade (''CIT'') has upheld the Department's authority to attribute subsidies based on whether a company could use or direct the subsidy benefits of another company in essentially the same way it could use its own subsidy benefits. *See Fabrique de Fer de Charleroi* v. *United States,* 166 F. Supp. 2d 593, 600–604 (CIT 2001).

Changbao

Changbao responded on behalf of itself and one affiliate, Jiangsu Changbao Precision Steel Tube Co., Ltd. (''Precision''), a producer of subject merchandise. The nature of the affiliation is proprietary, but based on 19 CFR 351.525(b)(vi), we preliminarily determine that these companies are ''cross-owned.'' *See* CQR at 3. Therefore, pursuant to 19 CFR 351.525(b)(6)(ii), we are attributing the subsidies received by either Changbao and/or Precision to the combined sales of both companies.

Changbao identified several other affiliated companies, but reported that these affiliates do not produce the subject merchandise or provide inputs. *Id.* Therefore, because these companies do not produce subject merchandise or otherwise fall within the situations described in 19 CFR 351.525(b)(6)(iii)-(v), we do not reach the issue of whether these companies and Changbao are cross-owned within the meaning of 19 CFR 351.525(b)(6)(vi) and we are not including these companies in our subsidy calculations.

Jianli

Jianli responded on behalf of itself and three affiliates: Zhejiang Jianli Steel Tube Co., Ltd, (''Jianli Steel Tube''), Zhuji Jiansheng Machinery Co., Ltd. (formerly Zhejiang Jianli OCTG Seamless Pipe Co., Ltd.) (''Jiansheng''), and Zhejiang Jianli Industry Group Co., Ltd. (''Jianli Industry'') (collectively, the ''Jianli Group''). These companies are cross-owned within the meaning of 19 CFR 351.525(b)(6)(vi) by virtue of high levels of common ownership. Jianli reported that Jianli Steel Tube produced OCTG for sale to Jianli and Jiansheng for further processing. *See* JQR at 6. Jianli also reported that Jiansheng purchased OCTG from Jianli and Jianli Steel Tube for further processing and to sell both domestically and in the export market. *Id.* Therefore, pursuant to 19 CFR 351.525(b)(6)(ii), we are attributing the subsidies received by Jianli, Jianli Steel Tube, or Jiansheng to the combined sales of these companies, excluding the sales between them.

Regarding Jianli Industry, Jianli reported that this company is the holding company for the Jianli Group. *See* JQR at 4. Therefore, pursuant to 19 CFR 351.525(b)(6)(iii), we are attributing the subsidies received by Jianli Industry to the combined sales of the Jianli

Group, excluding sales between the group companies.

In its questionnaire response, Jianli also acknowledged that it has several other affiliated parties in addition to the three companies named above. *See* JQR at 5. However, Jianli reported that these affiliates do not produce the subject merchandise and do not provide inputs to Jianli. Therefore, because these companies do not produce subject merchandise or otherwise fall within the situations outlined in 19 CFR 351.525(b)(6)(iii)-(v), we do not reach the issue of whether these companies and Jianli are cross-owned within the meaning of 19 CFR 351.525(b)(6)(vi) and we are not including these companies in our subsidy calculations.

TPCO

As of this preliminary determination, TPCO has responded to the Department's original and supplemental questionnaires on behalf of itself; Tianjin Pipe Iron Manufacturing Co., Ltd. (''TPCO Iron''); Tianguan Yuantong Pipe Product Co., Ltd. (''Yuantong''); Tianjin Pipe International Economic and Trading Co., Ltd. (''IETC''); and TPCO Charging Development Co., Ltd. (''Charging''). These companies are cross-owned within the meaning 19 CFR 351.525(b)(6)(vi) because of TPCO's substantial ownership position in each of them.

TPCO stated that TPCO Iron provides ''molten and direct reduced iron'' to TPCO and that Yuantong provides ''threading and other finishing processes to TPCO Group's OCTG production.'' [8] Because TPCO Iron produced an input to TPCO's production of subject merchandise during the POI, we are preliminarily attributing subsidies received by TPCO Iron to TPCO, in accordance with 19 CFR 351.525(b)(6)(iv). Yuantong had direct involvement in the production of subject merchandise during the POI. Thus, we are preliminarily attributing subsidies received by Yuantong to TPCO, in accordance with 19 CFR 351.525(b)(6)(ii).

Regarding IETC, TPCO stated, ''{IETC} is the trading company through which TPCO Group exports all subject merchandise.'' Because IETC exported subject merchandise during the POI, we are preliminarily cumulating the benefit from subsidies received by IETC with subsidies provided to TPCO, in accordance with 19 CFR 351.525(c).

With regard to Charging, TPCO stated that Charging acts as a trading company and does not produce any merchandise.[9] Instead, Charging purchased and provided steel rounds to TPCO during the POI. Because Charging is not an input producer, we are not treating Charging as an input supplier as described in 19 CFR 351.525(b)(6)(iv) (which refers to subsidies received by the input producer). Instead, for the preliminary determination, we are treating any subsidies conferred by the government's provision of steel rounds for less than adequate remuneration as having been transferred to TPCO through Charging's transfer of the steel rounds to TPCO, consistent with 19 CFR 351.525(b)(6)(v).

During the period December 11, 2003, through September 8, 2004, TPCO Holding held a majority interest in TPCO. Under 19 CFR 351.525(b)(6)(iii), we would normally attribute subsidies received by TPCO Holding during the period December 11, 2003, through September 8, 2004, to TPCO. TPCO Holding's questionnaire response dated September 1, 2009, however, indicated that TPCO Holding received no non-recurring subsidies during the period December 11, 2003, through September 8, 2004.

TPCO reported that it intended to provide a response on behalf of Tianjin TEDA Investment Holding Co., Ltd. (''TEDA''). TPCO explained that TEDA maintains a majority equity stake in TPCO. As of this preliminary determination, TPCO has not provided a questionnaire response.

In a supplemental questionnaire dated August 7, 2009, we asked TPCO questions about certain affiliates that may have met the cross-ownership standard under 19 CFR 351.525(b)(6)(vi) and one or more of the attribution standards under 19 CFR 351.525(b)(6)(ii-v). TPCO provided responses to these questions in its August 21, 2009, response at 1–15. Based on TPCO's responses, we preliminarily determine that none of these affiliates met both the cross-ownership standard of 19 CFR 351.525(b)(6)(vi) and one or more of the attribution standards under 19 CFR 351.525(b)(6)(ii-v). Thus, we have not included any subsidies to these companies in the subsidy calculation.

For other affiliated companies that TPCO identified in Exhibits 1 and 2 of the TQR, TPCO either held a small ownership share during the POI or identified the companies as having no involvement with subject merchandise. Thus, we have not included any subsidies to these companies in the subsidy calculation.

In their August 28, 2009 submission, the petitioners requested that the Department use the unconsolidated sales value of TPCO and its cross-owned affiliates (net of intercompany sales) to calculate the subsidy rate for each program. Under 19 CFR 351.525(b)(6)(iii), the Department will attribute subsidies bestowed on a parent or holding company to the consolidated sales of the parent or holding company and its subsidiaries. TPCO was a parent company to other companies during the POI. On page 13 of the TQR, TPCO stated, ''TPCO Group consolidates those entities it holds more than 50% equity shares and also those indirectly owned subsidiaries it owns more than 50% equity shares.'' In accordance with 19 CFR 351.525(b)(6)(iii), we are preliminarily attributing subsidies to TPCO to the consolidated sales of TPCO and its subsidiaries.

Therefore, based on information currently on the record, we preliminarily determine that cross-ownership within the meaning of 19 CFR 351.525(b)(6)(vi) exists between TPCO, TPCO Iron, Yuantong, IETC, and Charging. We are preliminarily attributing subsidies received by TPCO to the consolidated sales of TPCO and its subsidiaries. *See* 19 CFR 351.525(b)(6)(iii). TPCO Iron, Yuantong, and Charging are consolidated into TPCO's sales; thus, we are preliminarily attributing subsidies received by TPCO Iron, Yuantong, and Charging to TPCO's consolidated sales (excluding sales between TPCO and these three affiliates). For IETC, we preliminarily have cumulated IETC's subsidy benefits with TPCO's subsidy benefits. *See* 19 CFR 351.525(c).

Wuxi

Wuxi identified numerous companies with which it is affiliated and responded on behalf of itself, a ''productive'' FIE and a producer of subject merchandise, as well as affiliates Jiangsu Fanli Steel Pipe Co., Ltd. (''Fanli''), a producer of subject merchandise, and Tuoketuo County Mengfeng Special Steel Co., Ltd. (''Mengfeng''), an affiliated input supplier. Based on Wuxi's high level of ownership in Fanli and Mengfeng, we preliminarily determine that Wuxi is cross-owned with Fanli and Mengfeng within the meaning of 19 CFR 351.525(b)(6)(vi). Fanli is a producer of subject merchandise and provided ''green pipe'' to Wuxi during the POI. *See* WQR, at 2. Thus, we are preliminarily attributing subsidies received by Wuxi and Fanli to their combined sales, excluding the sales between them, in accordance with 19

[8] *See* TQR at 5.

[9] *See* TCQR at 4 and 5.

CFR 351.525(b)(6)(ii). Wuxi's affiliate Mengfeng produces steel billets and provided a small amount to Wuxi during the POI. *See* WQR, at 2 and 3. Record evidence supports that billets are dedicated to Wuxi's production of the downstream product, OCTG. Therefore, for purposes of this preliminary determination, subsidies received by Mengfeng would be attributed to Wuxi in accordance with 19 CFR 351.525(b)(6)(iv). However, for this preliminary determination, we are finding no subsidies to Mengfeng.

In a supplemental questionnaire dated August 7, 2009, we asked Wuxi about certain other affiliates. Wuxi provided responses to these questions in its supplemental questionnaire response. *See* W1SR, at 1–7. With respect to Wuxi's affiliate, Wuxi Longhua Steel Pipe Co., Ltd. (''Wuxi Longhua''), which had been involved in the sales and processing of oil pipes prior to the POI, Wuxi did not provide a questionnaire response. Rather, Wuxi claims the conditions of 19 CFR 351.525(b)(6)(ii) through (v) do not apply to Wuxi Longhua because it did not produce subject merchandise, is not a holding company or a parent company of Wuxi and has not received a subsidy and transferred it to Wuxi. Wuxi also reported that while Wuxi Longhua had previously resold inputs to Wuxi, it did not produce or resell inputs to Wuxi during the POI. *See* W1SR, at 2 and 3. We received Wuxi's supplemental response shortly before the deadline for this preliminary determination and have not been able to fully analyze Wuxi Longhua's relationship with Wuxi and its involvement in the production of subject merchandise in accordance with 19 CFR 351.525(b)(6). Consequently, for this preliminary determination, we are excluding Wuxi Longhua from the subsidy calculation, but will continue to examine this issue for the final determination.

Wuxi also corrected certain information in its W1SR with respect to affiliate Wuxi Huayi Investment Company (''Wuxi Huayi''). *See* Wuxi's correction letter, dated August 24, 2009. Details of Wuxi Huayi's relationship are proprietary and, therefore, are addressed separately. *See* Preliminary Determination Calculation Memorandum for Wuxi, dated September 8, 2009. We received Wuxi's correction letter shortly before the deadline for this preliminary determination and have not been able to fully analyze Wuxi Huayi's relationship with Wuxi and its involvement in the production of subject merchandise in accordance with 19 CFR 351.525(b)(6). Consequently, for this preliminary determination, we are excluding Wuxi Huayi from the subsidy calculation, but will continue to examine this issue for the final determination.

After examining additional information from Wuxi's responses, we find the remaining affiliates do not produce subject merchandise, or otherwise fall within the situations described in 19 CFR 351.525(b)(6)(iii) to (v). As such, we have preliminarily excluded these companies from the subsidy calculations.

Benchmarks and Discount Rates

Benchmarks for Short-Term RMB Denominated Loans

Section 771(5)(E)(ii) of the Act explains that the benefit for loans is the ''difference between the amount the recipient of the loan pays on the loan and the amount the recipient would pay on a comparable commercial loan that the recipient could actually obtain on the market.'' Normally, the Department uses comparable commercial loans reported by the company for benchmarking purposes.[10] If the firm did not have any comparable commercial loans during the period, the Department's regulations provide that we ''may use a national interest rate for comparable commercial loans.'' [11]

As noted above, section 771(5)(E)(ii) of the Act indicates that the benchmark should be a market-based rate. For the reasons explained in *CFS from the PRC,*[12] loans provided by Chinese banks reflect significant government intervention in the banking sector and do not reflect rates that would be found in a functioning market. Because of this, any loans received by respondents from private Chinese or foreign-owned banks would be unsuitable for use as benchmarks under 19 CFR 351.505(a)(2)(i). Similarly, we cannot use a national interest rate for commercial loans as envisaged by 19 CFR 351.505(a)(3)(ii). Therefore, because of the special difficulties inherent in using a Chinese benchmark for loans, the Department is selecting an external market-based benchmark interest rate. The use of an external benchmark is consistent with the Department's practice. For example, in *Softwood Lumber from Canada,* the Department used U.S. timber prices to measure the benefit for government-provided timber in Canada.[13]

We are calculating the external benchmark using the regression-based methodology first developed in *CFS from the PRC* [14] and more recently updated in *LWTP from the PRC.*[15] This benchmark interest rate is based on the inflation-adjusted interest rates of countries with per capita GNIs similar to the PRC, and takes into account a key factor involved in interest rate formation, that of the quality of a country's institutions, that is not directly tied to the state-imposed distortions in the banking sector discussed above.

Following the methodology developed in *CFS from the PRC,* we first determined which countries are similar to the PRC in terms of gross national income (''GNI''), based on the World Bank's classification of countries as: low income; lower-middle income; upper-middle income; and high income. The PRC falls in the lower-middle income category, a group that includes 55 countries as of July 2007. As explained in *CFS from the PRC,* this pool of countries captures the broad inverse relationship between income and interest rates.

Many of these countries reported lending and inflation rates to the International Monetary Fund and they are included in that agency's international financial statistics (''IFS''). With the exceptions noted below, we have used the interest and inflation rates reported in the IFS for the countries identified as ''low middle income'' by the World Bank. First, we did not include those economies that the Department considered to be non-market economies for AD purposes for any part of the years in question, for example: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Turkmenistan. Second, the pool necessarily excludes any country that did not report both lending and inflation rates to IFS for those years. Third, we removed any country that reported a rate that was not a lending rate or that based its lending rate on foreign-currency denominated instruments. For example, Jordan reported a deposit rate, not a lending rate, and the rates reported by Ecuador and Timor L'Este are dollar-denominated rates; therefore, the rates for these three countries have been

[10] *See* 19 CFR 351.505(a)(3)(i).

[11] *See* 19 CFR 351.505(a)(3)(ii).

[12] *See CFS from the PRC* at Comment 10.

[13] *See Notice of Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Certain Softwood Lumber Products From Canada,* 67 FR 15545 (April 2, 2002) (''*Softwood Lumber from Canada*'') and accompanying Issues and Decision Memorandum at ''Analysis of Programs, Provincial Stumpage Programs Determined to Confer Subsidies, Benefit.''

[14] *See CFS from the PRC* at Comment 10.

[15] See *Lightweight Thermal Paper From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 73 FR 57323 (October 2, 2008) (''*LWTP from the PRC*'') and accompanying Issues and Decision Memorandum (''LWTP Decision Memo'') at 20–25.

excluded. Finally, for each year the Department calculated an inflation-adjusted short-term benchmark rate, we have also excluded any countries with aberrational or negative real interest rates for the year in question.

The resulting inflation-adjusted benchmark lending rates are provided in the respondents' preliminary calculation memoranda. *See e.g.,* Preliminary Determination Calculation Memoranda for, Jiangsu Changbao Steel Tube Co., Ltd., Tianjin Pipe (Group) Co., Wuxi Seamless Oil Pipe Co., Ltd., and Zhejiang Jianli Enterprise Co., Ltd. (September 8, 2009). Because these are inflation-adjusted benchmarks, it is necessary to adjust the respondents' interest payments for inflation. This was done using the PRC inflation figure as reported in the IFS. *Id.*

Benchmarks for Long-Term Loans

The lending rates reported in the IFS represent short- and medium-term lending, and there are not sufficient publicly available long-term interest rate data upon which to base a robust benchmark for long-term loans. To address this problem, the Department has developed an adjustment to the short- and medium-term rates to convert them to long-term rates using Bloomberg U.S. corporate BB-rated bond rates. *See Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Final Affirmative Countervailing Duty Investigation Determination,* 73 FR 35642 (June 24, 2008) and accompanying Issues and Decision Memorandum (''LWRP Decision Memo'') at 8. In *Citric Acid from the PRC,* this methodology was revised by switching from a long-term mark-up based on the ratio of the rates of BB-rated bonds to applying a spread which is calculated as the difference between the two-year BB bond rate and the n-year BB bond rate, where n equals or approximates the number of years of the term of the loan in question. *See Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 74 FR 16836 (April 13, 2009) (''*Citric Acid from the PRC*'') and accompanying Issues and Decision Memorandum (''Citric Acid Decision Memo'') at Comment 14. Finally, because these long-term rates are net of inflation as noted above, we adjusted the PRC respondents' payments to remove inflation.

Benchmarks for Foreign Currency-Denominated Loans

For foreign currency-denominated short-term loans, the Department used as a benchmark the one-year dollar interest rates for the London Interbank Offering Rate (''LIBOR''), plus the average spread between LIBOR and the one-year corporate bond rates for companies with a BB rating. *See* LWTP Decision Memo at 10. For long-term foreign currency-denominated loans, the Department added the applicable short-term LIBOR rate to a spread which is calculated as the difference between the one-year BB bond rate and the n-year BB bond rate, where n equals or approximates the number of years of the term of the loan in question.

Discount Rates

Consistent with 19 CFR 351.524(d)(3)(i)(A), we have used, as our discount rate, the long-term interest rate calculated according to the methodology described above for the year in which the government agreed to provide the subsidy.

Analysis of Programs

Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Preliminarily Determined To Be Countervailable

A. Policy Loans

The Department is examining whether OCTG producers receive preferential lending through state-owned commercial or policy banks. According to the allegation, preferential lending to the OCTG industry is supported by the GOC through the issuance of national and provincial five-year plans; industrial plans for the steel sector; catalogues of encouraged industries, and other government laws and regulations. The GOC has responded that policy guidance documents do not require banks to provide preferential, discounted, or policy loans to specific enterprises. Moreover, banking laws in the PRC require commercial banks to operate independently of the government and in accordance with commercial norms. Thus, the GOC claims that there is no policy lending in regard to the OCTG industry as alleged by the petitioners.

Based on our review of the information and responses of the GOC and mandatory respondents, we preliminarily determine that loans received by the OCTG industry from state-owned commercial banks (''SOCBs'') were made pursuant to government directives.

Record evidence demonstrates that the GOC, through its directives, has highlighted and advocated the development of the OCTG industry. At the national level, the GOC has placed an emphasis on the development of high-end, value-added steel products through foreign investment as well as through technological research, development, and innovation. In laying out this strategy, the GOC has identified the specific products it has in mind. For example, an ''objective'' of *The 10th Five-Year Plan for the Metallurgical Industry* was to develop key steel types that were mainly imported; high strength, anticrushing and corrosion resistant petroleum pipe was among the listed products. Moreover, among the ''Policy Measures'' set out in the plan for achieving its objectives was the encouragement of enterprises to cooperate with foreign enterprises, particularly in the production and development of high value-added products and high-tech products. *See* GQR at Exhibit GOC–A–1.

Similarly, in the *Development Policies for the Iron and Steel Industry* (July 2005) at Article 16, the GOC states that it will '' * * * enhance the R&D, design, and manufacture level in relation to the key technology, equipment and facilities for the Chinese steel industry.'' To accomplish this, the GOC states it will provide support to key steel projects relying on domestically produced and newly developed equipment and facilities, through tax and interest assistance, and scientific research expenditures. *See* GQR at Exhibit GOC–A–21. Later in 2005, the GOC implemented the *Decision of the State Council on Promulgating the ''Interim Provisions on Promoting Industrial Structure Adjustment'' for Implementation* (No. 40 (2005)) (''Decision 40'') in order to achieve the objectives of the Eleventh Five-Year Plan. *See* Memorandum to File from David Neubacher, Analyst regarding ''Additional Documents Placed on the Record'' (September 8, 2009). Decision 40 references the *Directory Catalogue on Readjustment of Industrial Structure* (''Industrial Catalogue''), which outlines the projects which the GOC deems ''encouraged,'' ''restricted,'' and ''eliminated,'' and describes how these projects will be considered under government policies. OCTG was named in the Industrial Catalogue as an ''encouraged project.'' *See* Petition at Exhibit III–14. For the ''encouraged'' projects, Decision 40 outlines several support options available to the government, including financing.

Turning to the provincial and municipal plans, the Department has described the inter-relatedness of national level plans and directives with those at the sub-national level. *See* LWTP Decision Memo at Comment 6.

Based on our review of the sub-national plans submitted by the GOC in this investigation, we find that they mirror the national government's objective of supporting and promoting the production of innovative and high-value added products, including OCTG. Examples from the five-year plans of the provinces and/or municipalities where each of the respondents is located follow:

Outline of the 10th Five-Year Plan for the National Economic and Social Development of Tianjin City: ''For metallurgical industry, we attach importance to the development of high quality and efficiency steel products and high grade metal products, such as seamless steel tube and cold rolled sheet, and carry out the oil steel pipe extension and east-movement project of steel.'' *See* GQR at Exhibit GOC–A–15.

Outline of the 11th Five-Year Program for the Development of the Industrial Economy of Tianjin: ''We shall also focus on those steel tube industries mainly engaged in oil country tubular goods and high grade furnace tubular goods through careful thorough efforts and build a new specialized oil country tubular goods production base placing oil casing first and high added value products such as oil pipes and drill pipes second.'' *See* GQR at Exhibit GOC–A–16.

Notice of Tianjin Municipal People's Government Concerning the Printing and Distribution of the Outline for the 11th Five-Year Program for the National Economic and Social Development in Tianjin Binhai New Area: ''4. Constructing deep processing base of petroleum steel pipe and high quality steel material—We shall quicken technology innovation and structural adjustment, extend industrial link, enhance the concentration effort, strive the commanding point of the industry, consolidate and develop the leading position of deep processing of petroleum steel pipe and high quality steel material.'' *See* G1SR at Exhibit GOC–SUPP–18.

An Outline of Adjustment and Development Plan for Industrial Structure of Jiangsu Province During the 11th Five-Year Plan: ''Emphasize on the development of high-quality steel products with high added value and high technological content such as motor plates, shipbuilding steel plates, * * * pinion steel, oil well billet, special pipes and sticks, and highly qualified high-carbon hard wires.'' *See* G1SR at Exhibit GOC–SUPP–15.

The Outline of the 11th Five-Year Program for the National Economic and Social Development in Xuyi County: ''Cultivating large-scale enterprises—Adopting the way of developing large-scale enterprises and expanding existing enterprises and conglomerates. We should encourage and assist the enterprises, such as * * * Fanli Steel Pipes.'' *See* G1SR at Exhibit GOC–SUPP–9.

Outline of the 11th Five-Year Program for the National Economic and Social Development of Wuxi: ''New Material Industry. We will take such industries as metallurgy, chemical industry and so on as the foundation, prioritize products of several domains such as new composition material and high polymer * * * special steel and product, * * * and so on,'' *See* GQR at Exhibit GOC–A–12.

The Outline of the Tenth Five-Year Plan for the National Economy and Social Development of Zhejiang Province: ''make great efforts to improve the industrial level, product grade and the international competitiveness'' (with regard to the province's goal of adjusting and optimizing the industrial structure). *See* GQR at Exhibit GOC–A–5.

The Outline of the 11th Five-Year Program for the National Economy and Social Development in Zhejiang Province: ''We will change the economic growth pattern. We will speed up the pace of independent innovation, strengthen the supporting role of talented persons and science and technology in economic growth, insist on taking an industrialized path, and push forward the strategic readjustment of economic structure.'' *See* GQR at Exhibit GOC–A–6.

The 11th Five-Year Plan for National Economic and Social Development of Zhuji: ''Improving input mechanism and constructing 'modern industrial highland.' We will help enterprises to put projects into places in accordance with industry guiding directory of the state, forcefully renovate and upgrade traditional industries, and specially foster and develop high-tech industries and more potent new industries.'' *See* GQR at Exhibit GOC–A–8.

Finally, we examined the loan documentation provided by the GOC and noted language for certain loans which also reflects the GOC's directives to support the OCTG industry. As this information is business proprietary, it is discussed in a separate memorandum. *See* Memorandum to the File from David Neubacher regarding ''BPI Loan Memo'' (September 8, 2009).

In addition to its claim that policy guidance documents do not provide for preferential, discounted, or policy loans to specific enterprises, the GOC has cited to the *Circular on Improving the Administration of Special Loans* (YINFA {1999} No. 228) (''Circular'') and Articles 4 and 7 of the *Law of the People's Republic of China on Commercial Banks* (''Banking Law'') to argue that policy loans are prohibited and that commercial banks in the PRC operate independently from the government and base their decisions on market norms. *See* G1SR at 7. First, we note that the Circular was written expressly to four specific banks (Agricultural Bank of China, Industrial Bank of China, Bank of China, and China Construction Bank), and not to commercial banks in general. Moreover, we note that the Banking Law, at Article 34, also states that banks shall ''carry out their loan business upon the needs of the national economy and the social development and under the guidance of the State industrial policies.'' *See* G1SR at GOC–SUPP–19. Thus, the Banking Law, in some measure, stipulates that lending procedures be based on the guidance of government industrial policy.

As noted in *Citric Acid from the PRC:*[16]

In general, the Department looks to whether government plans or other policy directives lay out objectives or goals for developing the industry and call for lending to support those objectives or goals. Where such plans or policy directives exist, then we will find a policy lending program that is specific to the named industry (or producers that fall under that industry).[17] Once that finding is made, the Department relies upon the analysis undertaken in *CFS from the PRC*[18] to further conclude that national and local government control over the SOCBs results in the loans being a financial contribution by the GOC.[19]

Therefore, on the basis of the record information described above, we preliminarily determine that the GOC has a policy in place to encourage the development of production of OCTG through policy lending. Therefore, the loans to OCTG producers from Policy Banks and SOCBs in the PRC constitute a direct financial contribution from the government, pursuant to section 771(5)(D)(i) of the Act, and they provide a benefit equal to the difference between what the recipients paid on their loans and the amount they would have paid on comparable commercial loans (*see* section 771(5)(e)(2)). Finally, we determine that the loans are *de jure* specific because of the GOC's policy, as illustrated in the government plans and directives, to encourage and support the growth and development of the OCTG industry.

To calculate the benefit under the policy lending program, we used the benchmarks described under ''Subsidies Valuation—Benchmarks and Discount Rates'' above. See also 19 CFR 351.505(c). On this basis, we determine that Changbao received a countervailable subsidy of 0.30 percent *ad valorem,* Jianli received a countervailable subsidy of 0.02 percent *ad valorem,* TPCO received a countervailable subsidy of 1.59 percent *ad valorem,* and Wuxi received a countervailable subsidy of 1.35 percent *ad valorem* under this program.

[16] *See Citric Acid from the PRC,* 74 FR 16836 and Citric Acid Decision Memo, at Comment 5.

[17] *See* CFS Decision Memorandum, at 49; and LWTP Decision Memo, at 98.

[18] *See* CFS Decision Memorandum, at Comment 8.

[19] *See OTR Tires from the PRC* IDM, at 15; and LWTP Decision Memo, at 11.

B. Export Loans From the Export-Import Bank of China

On page 17 of the GQR, the GOC reported that the Export-Import Bank of China (''EIBC'') provided TPCO with three loans that were outstanding during the POI. The GOC claimed that two of the loans related to non-export business, and that the third loan did not relate to TPCO's production of OCTG.

Based on the proprietary description of these loans at page 17 of the GOC's response, however, we preliminarily find that one of the loans is a countervailable export loan from the EIBC. As a loan from a government policy bank, this loan constitutes a direct financial contribution from the government, pursuant to section 771(5)(D)(i) of the Act. We further determine that the export loan is specific under section 771(5A)(B) of the Act because receipt of the financing is contingent upon export. Also, we determine that the export loan confers a benefit within the meaning of section 771(5)(E)(ii) of the Act.

To calculate the benefit under this program, we compared the amount of interest paid against the export loan to the amount of interest that would have been paid on a comparable commercial loan. As our benchmark, we used the short-term interest rates discussed above in the ''Benchmarks and Discount Rates'' section. To calculate the net countervailable subsidy rate, we divided the benefit by TPCO's export sales value for the POI. On this basis, we determine the net countervailable subsidy rate to be 0.08 percent *ad valorem.*

C. Provision of Steel Rounds for Less Than Adequate Remuneration

As discussed under ''Use of Facts Otherwise Available and Adverse Inferences,'' above, we are preliminarily relying on ''adverse facts available'' for our analysis regarding the GOC's provision of steel rounds and billets to OCTG producers. First, as a result of the GOC's failure to provide requested ownership information for the companies that produced the steel rounds and billets purchased by the mandatory respondents in this investigation, we are treating all of the steel rounds and billets, except those supplied by one cross-owned supplier to Wuxi, as having been provided by an ''authority,'' within the meaning of section 771(5)(B). Therefore, we preliminarily determine that the OCTG producers have received a financial contribution in the form of the provision of a good. *See* section 771(5)(D)(iii).

To determine whether this financial contribution results in a subsidy to the OCTG producers, we followed 19 CFR 351.511(a)(2) for identifying an appropriate market-based benchmark for measuring the adequacy of the remuneration for the steel rounds and billets. The potential benchmarks listed in this regulation, in order of preference are: (1) Market prices from actual transactions within the country under investigation for the government-provided good (*e.g.,* actual sales, actual imports, or competitively run government auctions) (''tier one'' benchmarks); (2) world market prices that would be available to purchasers in the country under investigation (''tier two'' benchmarks); or (3) prices consistent with market principles based on an assessment by the Department of the government-set price (''tier three'' benchmarks). As we explained in *Softwood Lumber from Canada,* the preferred benchmark in the hierarchy is an observed market price from actual transactions within the country under investigation because such prices generally would be expected to reflect most closely the prevailing market conditions of the purchaser under investigation. *See Softwood Lumber from Canada* and accompanying Issues and Decision Memorandum at ''Analysis of Programs, Provincial Stumpage Programs Determined to Confer Subsidies, Benefit.''

Beginning with tier one, we must determine whether the prices from actual sales transactions involving Chinese buyers and sellers are significantly distorted. As explained in the CVD Preamble: ''Where it is reasonable to conclude that actual transaction prices are significantly distorted as a result of the government's involvement in the market, we will resort to the next alternative {tier two} in the hierarchy.'' *See Countervailing Duties; Final Rule,* 63 FR 65348, 65377 (November 25, 1998) (''CVD Preamble''). The CVD Preamble further recognizes that distortion can occur when the government provider constitutes a majority, or in certain circumstances, a substantial portion of the market.

As explained under ''Use of Facts Otherwise Available and Adverse Inferences,'' above, we are preliminarily relying on ''adverse facts available'' to determine that GOC authorities play a significant role in the PRC market for steel rounds and billets. Because of the dominant role played by GOC authorities in the production of steel rounds and billets, we preliminarily determine that the prices actually paid in the PRC for steel rounds and billets during the POI are not appropriate tier one benchmarks under our regulations.

Turning to tier two benchmarks, *i.e.,* world market prices available to purchasers in the PRC, the petitioners have put on the record data from the *Steel Business Briefing* (''SBB'') regarding monthly export prices for billet from Latin America, Turkey, and the Black Sea/Baltic. *See* the petitioners' April 20, 2009, submission, ''Response to the Department Questionnaire Concerning the Imposition of Countervailing Duties,'' at Exhibit 22, Attachments A–C.

We preliminarily determine that the SBB data should be used to derive a world market price for steel rounds and billets that would be available to purchasers in the PRC. We note that the Department has relied on pricing data from industry publications such as SBB in recent CVD proceedings involving the PRC. *See* CWP Decision Memorandum at 11 and LWRP Decision Memo at 9. Also, 19 CFR 351.511(a)(2)(ii), states that where there is more than one commercially available world market price, the Department will average the prices to the extent practicable. Therefore, we first derived a world market SBB price by averaging the monthly prices for Latin America, Turkey and the Black Sea/Baltic.

Under 19 CFR 351.511(a)(2)(iv), when measuring the adequacy of remuneration under tier one or tier two, the Department will adjust the benchmark price to reflect the price that a firm actually paid or would pay if it imported the product, including delivery charges and import duties. Regarding delivery charges, we have included the freight costs that would be incurred in shipping wire rod from Latin America, Turkey and the Black Sea/Baltic to the PRC. We have also added import duties, as reported by the GOC, and the VAT applicable to imports of steel rounds and billet into the PRC.

Comparing the adjusted benchmark prices to the prices paid by the respondents for their steel rounds and billet, we preliminarily determine that steel rounds and billet were provided for less than adequate remuneration and that a subsidy exists in the amount of the difference between the benchmark and what the respondents paid. *See* 19 CFR 351.511(a).

Finally, with respect to specificity, the GOC has stated that steel rounds are used by the OCTG industry. Therefore, we preliminarily determine that this subsidy is specific because the recipients are limited in number. See section 771(5A)(D)(iii)(I) of the Act.

Therefore, we preliminarily determine that the GOC conferred a countervailable subsidy on Changbao, Jianli, TPCO, and Wuxi through the

provision of steel rounds for less than adequate remuneration. To calculate the subsidy, we took the difference between the delivered world market price and what each respondent paid for steel rounds during the POI. On this basis, we preliminarily calculated a net countervailable *ad valorem* subsidy rate of 24.03 percent for Changbao, 30.45 percent for Jianli, 5.89 percent for TPCO, and 21.45 percent for Wuxi.

D. The State Key Technology Project Fund

TPCO reported that it received funds from the State Key Technology Renovation Fund in 2003. In Exhibit V–1 of the GQR, the GOC provided the notice for implementation of the fund. The notice states that the purpose of the program is to ''support the technological renovation of key industries, key enterprises and key products. * * * The notice also states, ''The enterprises shall be mainly selected from large-sized state-owned enterprises and large-sized state holding enterprises among the 512 key enterprises, 120 pilot enterprise groups and the leading enterprises of the industries.''

The Department has previously found this program to be countervailable. *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Negative Determination of Critical Circumstances,* 73 FR 40480 (July 15, 2008) and accompanying Issues and Decision Memorandum.

We preliminarily determine that TPCO received a countervailable subsidy under the State Key Technology Renovation Fund. We find that this grant is a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act, providing a benefit in the amount of the grant. *See* 19 CFR 351.504(a). Further, we preliminarily determine that the grant provided under this program is limited as a matter of law to certain enterprises; *i.e.,* large-sized state-owned enterprises and large-sized state holding enterprises among the 512 key enterprises. Hence, we preliminarily find that the subsidy is specific under section 771(5A)(D)(i) of the Act.

To calculate the countervailable subsidy, we used our standard methodology for non-recurring grants. *See* 19 CFR 351.524(b). Because the grant exceeded 0.5 percent of TPCO's sales in the year the grant was approved (*i.e.,* 2003), we have allocated the benefit over the 15-year AUL using the discount rate described under the ''*Benchmarks and Discount Rates''* section above. We attributed the subsidy amount for the POI to TPCO's consolidated sales. On this basis, we preliminarily determine the countervailable subsidy to be 0.01 percent *ad valorem* for TPCO.

E. ''Two Free, Three Half'' Program

Under Article 8 of the *FIE Tax Law,* an FIE that is ''productive'' and is scheduled to operate for more than ten years may be exempted from income tax in the first two years of profitability and pay income taxes at half the standard rate for the next three years. *See* GQR at Exhibit GOC–FF–3. The Department has previously found this program countervailable. *See, e.g.,* CFS Decision Memorandum at 11–12 (Analysis of Programs, I. Programs Determined to be Countervailable for GE, B. The ''Two-Free/Three Half'' Program) and Citric Acid Decision Memo at 15–16 (Analysis of Programs. I. Programs Determined to be Countervailable, D. The ''Two-Free, Three Half'' Program).

Jianli Steel Tube and Jiansheng reported using this program during the POI. *See* JQR at 30.

We preliminarily determine that the exemption or reduction of the income tax paid by productive FIEs under this program confers a countervailable subsidy. The exemption/reduction is a financial contribution in the form of revenue forgone by the GOC and it provides a benefit to the recipient in the amount of the tax savings. *See* section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). We also preliminarily determine that the exemption/reduction afforded by this program is limited as a matter of law to certain enterprises, *i.e.,* ''productive'' FIEs and, hence, is specific under section 771(5A)(D)(i) of the Act. *See* CFS Decision Memorandum, at Comment 14.

To calculate the benefit, we treated the income tax savings enjoyed by Jianli Steel Tube, and Jiansheng as a recurring benefit, consistent with 19 CFR 351.524(c)(1). To compute the amount of the tax savings, we compared the income tax rate the above companies would have paid in the absence of the program (30 percent) with the income tax rate the company actually paid (15 or 0 percent). We divided Jianli Steel Tube's and Jiansheng's tax savings received during the POI by the combined sales of Jianli, Jinali Steel Tube, and Jiansheng, minus inter-company sales during the POI. On this basis, we preliminarily determine that Jianli received a countervailable subsidy of 0.20 percent *ad valorem* under this program.

F. Preferential Tax Program for Foreign-Invested Enterprises Recognized as High or New Technology Enterprises

According to the *Circular of the State Council Concerning the Approval of the National Development Zones for New and High Technology Industries and the Relevant Policies and Provisions* at Article 2 and 4 of Appendix III (''Regulations on the Tax Policy for the National New and High Technology Industries Parks''), new and high technology enterprises located in new and high technology parks shall pay a reduced income tax rate of 15 percent. *See* GQR at Exhibit GOC–FF–1. The GOC noted that a similar rule is provided at Article 7.3 of the *FIE Income Tax Law* and Article 73(5) of the *Implementing Rules of the Foreign Investment Enterprise and Foreign Enterprise Income Tax Law. See* GQR at 96.

Wuxi reported that it used the program during the POI. *See* WQR at 26.

We preliminarily determine that the reduction in the income tax paid by high or new technology FIEs under this program confers a countervailable subsidy. The exemption/reduction is a financial contribution in the form of revenue forgone by the government and it provides a benefit to the recipient in the amount of the tax savings. *See* section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). We also preliminarily determine that the reduction afforded by this program is limited as a matter of law to certain enterprises, *i.e.,* new and high technology FIEs, and, hence, is specific under section 771(5A)(D)(i) of the Act. The program is also specific pursuant to 771(5A)(D)(iv) as only ratified new and high technology enterprises located in new and high technology parks approved by the State Council can pay the reduced tax rate.

To calculate the benefit for Wuxi, we treated the income tax savings enjoyed by the company as a recurring benefit, consistent with 19 CFR 351.524(c)(1), and divided the company's tax savings received during the POI by the combined sales of Wuxi and Fanli. To compute the amount of the tax savings, we compared the rate Wuxi would have paid in the absence of the program (30 percent) with the rate the company paid (15 percent). On this basis, we preliminarily determine the countervailable subsidy attributable to Wuxi to be 1.63 percent *ad valorem* under this program.

G. Local Income Tax Exemption and Reduction Programs for ''Productive'' Foreign-Invested Enterprises

Under Article 9 of the *FIE Tax Law,* the provincial governments have the authority to exempt FIEs from the local income tax of three percent. *See* GQR at Exhibit GOC–FF–3. According to the *Regulations on Exemption and Reduction of Local Income Tax of FIEs in Jiangsu Province,* a ''productive'' FIE in Jiangsu Province may be exempted from the three percent local income tax during the ''Two Free, Three Half'' period. Additionally, according to Article 6, FIEs eligible for the reduced income tax rate of 15 percent can also be exempted from paying local income tax. *See* GQR at Exhibit GOC–HH–3. According to the *Provisional Rules on Exemption of Local Income Tax for FIEs and Foreign Enterprises* (Decree 14 of Zhejiang Government, 1991) at Article 4, productive FIES in Zhejiang Province are exempted from paying the local income tax for the first two years after their first profitable year, and pay at a reduced (half) rate for the next three consecutive years. *See* G1SR at Exhibit GOC–SUPP–35. The Department has previously found this program to be countervailable. *See, e.g.,* CFS Decision Memorandum at 12–13 (Analysis of Programs, I. Programs Determined to be Countervailable for GE, D. Local Income Tax Exemption and Reduction Program for ''Productive'' FIEs) and Citric Acid Decision Memo at 21 (Analysis of Programs, I. Programs Determined to be Countervailable, I. Local Income Tax Exemption and Reduction Program for ''Productive'' FIEs).

Jianli Steel Tube, Jiansheng, and Wuxi reported using this program during the POI. *See* JQR at 33 and WQR at 26.

We preliminarily determine that the exemption from or reduction in the local income tax received by ''productive'' FIEs under this program confers a countervailable subsidy. The exemption or reduction is a financial contribution in the form of revenue forgone by the government and it provides a benefit to the recipient in the amount of the tax savings. *See* section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). We also preliminarily determine that the exemption or reduction afforded by this program is limited as a matter of law to certain enterprises, *i.e.,* ''productive'' FIEs, and, hence, is specific under section 771(5A)(D)(i) of the Act.

To calculate the benefit for Jianli Steel Tube, Jiansheng, and Wuxi, we treated the income tax savings enjoyed by the companies as a recurring benefit, consistent with 19 CFR 351.524(c)(1). To compute the amount of the tax savings, we compared the local income tax rate that the companies would have paid in the absence of the program (*i.e.,* three percent) with the income tax rate the companies actually paid.

For Jianli Steel Tube and Jiansheng, we divided the companies' tax savings received during the POI by the combined sales of Jianli, Jinali Steel Tube, and Jiansheng minus inter-company sales during the POI.

For Wuxi, we divided the company's tax savings received during the POI by the combined sales of Wuxi and Fanli.

On this basis, we preliminarily determine that Jianli received a countervailable subsidy of 0.02 percent *ad valorem* and Wuxi received a countervailable subsidy of 0.33 percent *ad valorem* under this program.

H. Income Tax Credits for Domestically Owned Companies Purchasing Domestically Produced Equipment

According to the *Provisional Measures on Enterprise Income Tax Credit for Investment in Domestically Produced Equipment for Technology Renovation Projects* (CAI SHU ZI {290} No. 290), a domestically invested company may claim tax credits on the purchase of domestic equipment if the project is compatible with the industrial policies of the GOC. Specifically, a tax credit up to 40 percent of the purchase price of the domestic equipment may apply to the incremental increase in tax liability from the previous year. *See* G2SR at 12. The Department has previously found this program countervailable. *See, e.g., Circular Welded Carbon Quality Steel Line Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 73 FR 70961, (November 24, 2008) and accompanying Issues and Decision Memorandum at 25–26 (V. Analysis of Programs, A. Programs Determined to be Countervailable, 8. Income Tax Credits on Purchases of Domestically-Produced Equipment by Domestically Owned Companies).

Fanli reported using this program during the POI. *See* WQR at 15.

We preliminarily determine that income tax credits for the purchase of domestically produced equipment are countervailable subsidies. The tax credits are a financial contribution in the form of revenue forgone by the government and provide a benefit to the recipients in the amount of the tax savings. *See* section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). We further preliminarily determine that these tax credits are contingent upon use of domestic over imported goods and, hence, are specific under section 771(5A)(C) of the Act.

To calculate the benefit, we treated the income tax savings enjoyed by Fanli as a recurring benefit, consistent with 19 CFR 351.524(c)(1), and divided the company's tax savings by the combined total sales of Wuxi and Fanli, minus inter-company sales, during the POI. On this basis, we preliminarily determine that a countervailable subsidy of 0.16 percent *ad valorem* exists for Wuxi under this program.

I. Subsidies Provided in the Tianjin Binhai New Area and the Tianjin Economic and Technological Development Area

TPCO reported that it used two programs for companies in the Tianjin Binhai New Area (TBNA): the Science and Technology Fund Program and the Accelerated Depreciation Program. TPCO received a grant under the Science and Technology Fund Program and paid reduced income taxes under the Accelerated Depreciation Program. TPCO also reported that it purchased land-use rights and rented land-use rights for different plots of land within the TBNA during the POI and prior to the POI.

Science and Technology Fund

The GOC's measures for the Science and Technology Fund, which the GOC provided at Exhibit GOC–DD–4 of the GQR, describe the fund's purpose as follows: (1) Promote the construction of the science-technology infrastructure in TBNA; (2) enhance science-technology renovation and service abilities; (3) improve the business environment of renovation entrepreneurship; and (4) construct a new science-technology renovation system. On page 84 of the GQR, the GOC stated that eligibility for the program is limited to enterprises within the TBNA Administrative Committee's jurisdiction.

We preliminarily determine that TPCO received a countervailable subsidy during the POI under the TBNA Science and Technology Fund Program. We find that this grant is a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act, providing a benefit in the amount of the grant. *See* 19 CFR 351.504(a). We further determine preliminarily that grants under this program are limited to enterprises located in a designated geographic region (*i.e.,* the TBNA). Hence, the grants are specific under section 771(5A)(D)(iv) of the Act.

To calculate the countervailable subsidy, we used our standard methodology for non-recurring grants. *See* 19 CFR 351.524(b). Because the

benefit was less than 0.5 percent of TPCO's consolidated sales during the POI, we have preliminarily expensed the entire amount to the POI. *See* 19 CFR 351.524(b)(2). On this basis, we preliminarily determine the countervailable subsidy to be 0.03 percent *ad valorem* for TPCO.

Accelerated Depreciation Program

Regarding the Accelerated Depreciation program, the GOC circular for the program (submitted at Exhibit DD–9 of the GOC's July 21, 2009, response) stipulates that enterprises in the TBNA may shorten the depreciation period of certain fixed assets by a maximum of 40 percent of the present depreciation period. On page 91 of the response, the GOC stated that eligibility for the program is limited to enterprises within the TBNA.

We preliminarily determine that TPCO received a countervailable subsidy during the POI under the Accelerated Depreciation program. The Accelerated Depreciation program constitutes a financial contribution in the form of revenue forgone within the meaning of section 771(5)(D)(ii) of the Act, with the benefit equaling the income tax savings (see 19 CFR 351.510(a)). The program affected TPCO's income taxes for the 2007 tax year. Thus, under the normal standard in 19 CFR 351.509(b), TPCO received a benefit from this program in 2008, when it filed its 2007 annual tax return. Further, we further determine preliminarily that the reduction afforded by this program is limited to enterprises located in designated geographic regions and, hence, is specific under section 771(5A)(D)(iv) of the Act.

To calculate the benefit, we divided the reduction in TPCO's income taxes resulting from the program by TPCO's consolidated sales, in accordance with 19 CFR 351.524(c)(1) and 19 CFR 351.525(b)(6)(iii). On this basis, we preliminarily determine the countervailable subsidy to be 0.51 percent *ad valorem* for TPCO.

Land

Regarding land, TPCO and its reporting cross-owned affiliates are all located in the TBNA, and TPCO, TPCO Iron, and Yuantong have purchased ''granted'' land-use rights within the TBNA. At page 41 of the GQR, the GOC reported that TPCO obtained its land-use rights in accordance with Article 11 of Decree 21 of the Ministry of Land and Resources. Article 11, at Exhibit P–2 of the GQR, establishes provisions for the ''agreement-based assignment of the right to use State-owned land.'' Article 11 States that the ''agreement-based assignment of the right to use State-owned land'' refers to the land user's right to use State-owned land for a certain period, and to the land user's payment of a fee to the state for the land-use right. TPCO and TPCO Iron purchased their land-use rights from the Dongli District Land and Resource Administration Bureau, and Yuantong purchased its land-use rights from the Tianjin Port Bonded Zone Land and Resource Administration Bureau.

The Department determined in *LWS* that the provision of land-use rights constitutes the provision of a good within the meaning of section 771(5)(D)(iii) of the Act.[20] The Department also found that when the land is in an industrial park located within the seller's (*e.g.,* county's or municipality's) jurisdiction, the provision of the land-use rights is regionally specific (*see* section 771(5A)(D)(iv) of the Act).[21] In the instant investigation, the TBNA is a designated area that includes the jurisdictions that provided land-use rights to TPCO and its cross-owned affiliates during the POI. Therefore, consistent with *LWS,* we preliminarily find that TPCO's purchases of granted land-use rights give rise to countervailable subsidies to the extent that the purchases conferred a benefit.

To determine whether TPCO received a benefit, we have analyzed potential benchmarks in accordance with 19 CFR 351.511(a). First, we look to whether there are market-determined prices within the country. *See* 19 CFR 351.511(a)(2)(i). In *LWS,* the Department determined that ''Chinese land prices are distorted by the significant government role in the market'' and, hence, that tier one benchmarks do not exist.[22] The Department also found that tier two benchmarks (world market prices that would be available to purchasers in China) are not appropriate.[23] *See* 19 CFR 351.511(a)(2)(ii). Therefore, the Department determined the adequacy of remuneration by reference to tier 3 and found that the sale of land-use rights in China was not consistent with market principles because of the overwhelming presence of the government in the land-use rights market and the widespread and documented deviation from the authorized methods of pricing and allocating land.[24] *See* 19 CFR 351.511(a)(2)(iii). There is insufficient new information on the record of this investigation to warrant a change from the findings in *LWS.*

For these reasons, we are not able to use Chinese or world market prices as a benchmark. Therefore, we are preliminarily comparing the price that TPCO paid for its granted land-use rights with comparable market-based prices for land purchases in a country at a comparable level of economic development that is reasonably proximate to, but outside of, China. Specifically, we are preliminarily comparing the price TPCO paid to sales of certain industrial land in industrial estates, parks, and zones in Thailand, consistent with *LWS.*

To calculate the benefit, we computed the amount that TPCO would have paid for its granted land-use rights and subtracted the amount TPCO actually paid for each purchase. For purchases in which the subsidy amount exceeded 0.5 percent of TPCO's sales in the year of purchase, we have used the discount rate described under the *Benchmarks and Discount Rates* section above to allocate the benefit over the life of the land-use rights contract. For these purchases, we divided the amount allocated to the POI by TPCO's consolidated sales during the POI. For purchases in which the benefit was less than 0.5 percent of TPCO's consolidated sales in the year of the purchase, we have preliminarily expensed the entire amount to the year in which TPCO purchased the land-use rights. *See* 19 CFR 351.524(b)(2). On this basis, we preliminarily determine the total countervailable subsidy for all of TPCO's land-use rights purchases to be 0.11 percent *ad valorem* during the POI.

TPCO also reported that it rented certain land parcels within the TBNA from TPCO Holding during the POI. Specifically, TPCO reported that it operates on the largest of these three parcels under a lease agreement that it signed with TPCO Holding in 2005. TPCO also stated that it will compensate TPCO Holding for the lease of two other parcels under terms that TPCO and TPCO Holding will memorialize in 2009.

On page 4 of the TPCO Holding QR, TPCO stated that TPCO Holding ''has been continuously wholly-owned by the Tianjin State-owned Assets Supervision and Administration Commission.'' Thus, we preliminarily determine that

[20] *See Laminated Woven Sacks from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination, in Part, of Critical Circumstances,* 73 FR 35639 (June 24, 2008) (''*LWS*''), and accompanying Issues and Decision Memorandum at Comment 8.

[21] *Id.* at Comment 9.

[22] *Id.* at Comment 10.

[23] *Id.* at section IV.A.1, ''Analysis of Programs—Government Provision of Land for Less Than Adequate Remuneration.''

[24] *Id.* at Comment 10.

TPCO Holding was an authority within the meaning of section 771(5)(B) of the Act at the time of the lease agreement and throughout the POI. Moreover, because the leased properties are all within the TBNA, the subsidy is specific (section 771(5A)(D)(iv) of the Act). Therefore, consistent with *OTR Tires,* we preliminarily find that TPCO's lease of land under the 2005 lease gives rise to a countervailable subsidy to the extent that the lease conferred a benefit.[25]

To determine whether TPCO received a benefit, we are following the same steps outlined above for the purchase of land-use rights. Specifically, we are preliminarily comparing the rent TPCO paid to industrial rental rates for factory space in Thailand during the POI. We are preliminarily attributing the subsidy to TPCO's consolidated sales, in accordance with 19 CFR 351.525(b)(6)(iii).

On this basis, we preliminarily determine the countervailable subsidy to be 2.55 percent *ad valorem* for TPCO.

TPCO also reported that IETC purchased office space from a real estate company. We do not have sufficient information to determine whether IETC's purchase gave rise to a countervailable subsidy. We intend to seek additional information on this issue after the preliminary determination.

J. Loan and Interest Forgiveness for SOEs

On pages 8–9 of TPCO's September 1, 2009, correction submission, TPCO reported that in 2006 and 2008 it settled claims related to loans that were part of a debt-to-equity transaction occurring in 2001. Two asset management companies held the claims against TPCO.

We preliminarily determine that through this settlement the GOC forgave debt owed by TPCO and, thus, provided a financial contribution to TPCO in the form of a direct transfer of funds (section 771(5)(D)(i) of the Act). The benefit to TPCO is the amount of the debt forgiven (section 771(5)(D)(i) of the Act and 19 CFR 351.508(a)). Additionally, we preliminarily determine that this subsidy is *de facto* specific because it is limited to TPCO (section 771(5A)(D)(iii)(I) of the Act).

Approval for forgiveness of part of the debt occurred in 2006, and approval for forgiveness of the remainder of the debt occurred in 2008. To calculate the countervailable subsidy for the debt forgiveness approved in each year, we used our standard methodology for non-recurring benefits. *See* 19 CFR 351.524(b). Because the amount of the 2006 portion of the debt forgiveness exceeded 0.5 percent of TPCO's sales in 2006, we have allocated the benefit over the 15-year AUL using the discount rate described under the *Benchmarks and Discount Rates* section above. We attributed the subsidy amount for the POI to TPCO's consolidated sales. On this basis, we preliminarily determine the countervailable subsidy to be 0.07 percent *ad valorem* for TPCO.

For the debt forgiveness approved in 2008, the benefit was less than 0.5 percent of TPCO's consolidated sales during the POI. Thus, we have preliminarily expensed the entire amount to the POI. *See* 19 CFR 351.524(b)(2). On this basis, we preliminarily determine the countervailable subsidy to be 0.07 percent *ad valorem* for TPCO.

II. Programs Preliminarily Determined To Be Not Used by Respondents or To Not Provide Benefits During the POI

A. Other Loans to Jianli

We requested and received loan documentation from the GOC concerning certain loans provided to Jianli. Based upon our examination of these loans, we preliminary determine that these loans are countervailable for reasons other than those described above under ''Policy Lending.'' As all of the information relating to these loans is business proprietary, we have discussed our analysis in a separate memorandum. *See* BPI Loan Memo.

However, based on our analysis, the benefit to Jianli under this program is less than 0.005 percent *ad valorem.* As such, consistent with our past practice, we would not include this program in our preliminary net countervailing duty rate. *See, e.g., CFS from the PRC* at ''Analysis of Programs, Programs Determined Not To Have Been Used or Not To Have Provided Benefits During the POI for GE,'' and *Final Results of Countervailing Duty Administrative Review: Low Enriched Uranium from France,* 70 FR 39998 (July 12, 2005), and accompanying Issues and Decision Memorandum at ''Purchases at Prices that Constitute 'More than Adequate Remuneration,'" (''*Uranium from France''*) (citing *Notice of Final Results of Countervailing Duty Administrative Review and Rescission of Certain Company-Specific Reviews: Certain Softwood Lumber Products From Canada,* 69 FR 75917 (December 20, 2004), and accompanying Issues and Decision Memorandum at ''Other Programs Determined to Confer Subsidies'').

B. Sub-Central Government Programs To Promote Famous Export Brands and China World Top Brands

TPCO reported that it received a grant under this program in 2007. On page 50 of the TQR, TPCO stated that the program relates to TPCO's trademark and does not relate to any specific merchandise.

We preliminarily determine that the total amount of the grant was less than 0.5 percent of TPCO's consolidated and unconsolidated sales in 2007. Thus, without prejudice to whether this is a countervailable subsidy, we preliminarily have allocated the benefit exclusively to 2007 pursuant to 19 CFR 351.524(b)(2). As a result, we preliminarily determine that TPCO received no benefit from this program during the POI.

C. Jiangsu Province Famous Brands

Wuxi reported that it received a grant under this program. *See* WQR at 26 and W1SR at 24–25. The GOC also provided information on the program. *See* G1SR at 39–45.

Based on our analysis, any potential benefit to Wuxi under this program is less than 0.005 percent *ad valorem.* As such, consistent with our past practice, we would not include this program in our preliminary net countervailing duty rate. *See, e.g., CFS from the PRC* at ''Analysis of Programs, Programs Determined Not To Have Been Used or Not To Have Provided Benefits During the POI for GE,'' and *Uranium from France.* Therefore, without prejudice to whether this is a countervailable subsidy, we preliminarily determine that Wuxi received no benefit from this program during the POI.

D. Export Incentive Payments Characterized as ''VAT Rebates''

The Department's regulations state that in the case of an exemption upon export of indirect taxes, a benefit exists only to the extent that the Department determines that the amount exempted ''exceeds the amount levied with respect to the production and distribution of like products when sold for domestic consumption.'' *See* 19 CFR 351.517(a); *see also* 19 CFR 351.102 (for a definition of ''indirect tax'').

To determine whether the GOC provided a benefit under this program, we compared the VAT exemption upon export to the VAT levied with respect to the production and distribution of like products when sold for domestic

[25] *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances,* 73 FR 40485 (July 15, 2008) (''*OTR Tires''*), and the accompanying Issues and Decision Memorandum at Comment F.12.

consumption. On page 39 of the GQR, the GOC reported that the VAT levied on OCTG sales in the domestic market (17 percent) exceeded the amount of VAT exempted upon the export of OCTG (13 percent). Thus, we preliminarily determine that the VAT exempted upon the export of OCTG does not confer a countervailable benefit.

Based upon responses by the GOC, Changbao, TPCO, Wuxi, and Jianli, we preliminarily determine that the above companies did not apply for or receive benefits during the POI under the programs listed below.

A. *Preferential Loan Programs*
  1. *Treasury Bond Loans to Northeast*
  2. *Preferential Loans for State-Owned Enterprises*
  3. *Preferential Loans for Key Projects and Technologies*
  4. *Loans and Interest Subsidies Provided Pursuant to the Northeast Revitalization Program*

B. *Equity Programs*
  1. *Debt-to-Equity Swap for Pangang*
  2. *Equity Infusions*

C. *Tax Benefit Programs*
  1. *Preferential Income Tax Policy for Enterprises in the Northeast Region*
  2. *Forgiveness of Tax Arrears For Enterprises in the Old Industrial Bases of Northeast China*

D. *Tariff and Indirect Tax Programs*
  1. *Stamp Exemption on Share Transfers Under Non-Tradable Share Reform*
  2. *Value Added Tax (''VAT'') and Tariff Exemptions for Purchases of Fixed Assets Under the Foreign Trade Development Fund*

E. *Land Grants and Discounts*
  1. *Provision of Land Use Rights for Less Than Adequate Remuneration to Huludao*
  2. *Provision of Land to SOEs for Less Than Adequate Remuneration*

F. *Provision of Inputs for Less than Adequate Remuneration*
  1. *Provision of Hot-Rolled Steel (flat products) for Less than Adequate Remuneration*
  2. *Provision of Coking Coal for Less than Adequate Remuneration*

G. *Grant Programs*
  1. *Foreign Trade Development Fund (Northeast Revitalization Program)*
  2. *Export Assistance Grants*
  3. *Program to Rebate Antidumping Fees*
  4. *Subsidies for Development of Famous Export Brands and China World Top Brands*
  5. *Grants to Loss-Making SOEs*
  6. *Export Interest Subsidies*

H. *Other Regional Programs*
  1. *Five Points, One Line Program*
  2. *High-Tech Industrial Development Zones*

I. *Subsidies for Foreign-Invested Enterprises*
  1. *Reduced Income Tax Rates for Export-Oriented FIEs*

III. Program Preliminarily Determined Not Countervailable

Provision of Low-cost Coke Through the Imposition of Export Restraints

Petitioners alleged that the GOC imposed export restrictions on coke in the form of export quotas, related export licensing and export duties. Petitioners maintain that such export restraints had a direct and discernable effect on the Chinese domestic prices of coke, thereby, artificially lowering them compared to world market prices. Accordingly, petitioners asserted that the GOC's export restraints on coke provided a countervailable subsidy to Chinese OCTG producers during the POI.

The Department has countervailed export restraint allegations in only a limited number of cases. In *Leather from Argentina,* we found an embargo on hide exports to provide a countervailable subsidy to Argentine leather producers based on a long-term historical price comparison that demonstrated a clear link between the imposition of the embargo and the divergence of prices.[26] In *Coated Free Sheet Paper from Indonesia: Final Affirmative Countervailing Duty Determination,* 72 FR 60642 (October 25, 2007) (''*CFS from Indonesia*''), we found that a log embargo provided a countervailable benefit to paper producers, in part, based upon independent studies that stated that the log embargo provided a subsidy to downstream producers.[27] The information on the record with respect to coke does not support such a finding. Therefore, we preliminary determine that this program is not countervailable.

IV. Programs for Which More Information Is Required

A. Exemptions for SOEs From Distributing Dividends to the State

In TSR1a at Exhibit S1–10, TPCO provided the amount of dividends that it distributed to its owners during the POI. Based on proprietary information in this exhibit, we intend to seek additional information on this program after the preliminary determination.

B. Government Provision of Electricity for Less than Adequate Remuneration

Recently, the Department found that ''that the provision of electricity in the PRC confers a countervailable subsidy.'' *See Certain Kitchen Shelving and Racks from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 74 FR 37012 (July 27, 2009), and accompanying Issues and Decision Memorandum (''Kitchen Racks Issues and Decision Memorandum'') at Comment 11. That finding was based on facts available. *See* Kitchen Racks Decision Memorandum at pages 5–6 and Comment 11. *Id.*

In the instant investigation, the GOC has provided certain requested information regarding the provision of electricity. However, the Department has requested additional information on this program which is still outstanding and we intend to seek further information regarding the GOC's electricity rate-setting policy after the preliminary determination.

Verification

In accordance with section 782(i)(1) of the Act, we will verify the information submitted by the respondents prior to making our final determination.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated an individual rate for each producer/exporter of the subject merchandise individually investigated. We preliminarily determine the total estimated net countervailable subsidy rates to be:

[26] *See Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Leather from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 55 FR 40212 (October 2, 1990) (''*Leather from Argentina*'').

[27] *See Coated Free Sheet Paper from Indonesia: Final Affirmative Countervailing Duty Determination,* 72 FR 60642 (October 25, 2007) (''*CFS from Indonesia*'') and accompanying Issues and Decision Memorandum, at Comment 22.

Exporter/Manufacturer	Net subsidy rate
Jiangsu Changbao Steel Tube Co. and Jiangsu Changbao Precision Steel Tube Co., Ltd	24.33
Tianjin Pipe (Group) Co., Tianjin Pipe Iron Manufacturing Co., Ltd., Tianguan Yuantong Pipe Product Co., Ltd., Tianjin Pipe International Economic and Trading Co., Ltd., and TPCO Charging Development Co., Ltd	10.90
Wuxi Seamless Pipe Co, Ltd., Jiangsu Fanli Steel Pipe Co, Ltd, Tuoketuo County Mengfeng Special Steel Co., Ltd	24.92
Zhejiang Jianli Enterprise Co., Ltd., Zhejiang Jianli Steel Steel Tube Co., Ltd., Zhuji Jiansheng Machinery Co., Ltd., and Zhejiang Jianli Industry Group Co., Ltd	30.69
All Others	21.33

In accordance with sections 703(d) and 705(c)(5)(A) of the Act, for companies not investigated, we determined an ''all others'' rate by weighting the individual company subsidy rate of each of the companies investigated by the company's exports of the subject merchandise to the United States. The ''all others'' rate does not include zero and *de minimis* rates or any rates based solely on the facts available. In accordance with sections 703(d)(1)(B) and (2) of the Act, we are directing U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of OCTG from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register,** and to require a cash deposit or bond for such entries of merchandise in the amounts indicated above.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Disclosure and Public Comment

In accordance with 19 CFR 351.224(b), we will disclose to the parties the calculations for this preliminary determination within five days of its announcement. Due to the anticipated timing of verification and issuance of verification reports, case briefs for this investigation must be submitted no later than one week after the issuance of the last verification report. *See* 19 CFR 351.309(c)(i) (for a further discussion of case briefs). Rebuttal briefs must be filed within five days after the deadline for submission of case briefs, pursuant to 19 CFR 351.309(d)(1). A list of authorities relied upon, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. *See* 19 CFR 351.309(c)(2) and (d)(2).

Section 774 of the Act provides that the Department will hold a public hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party. If a request for a hearing is made in this investigation, the hearing will be held two days after the deadline for submission of the rebuttal briefs, pursuant to 19 CFR 351.310(d), at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Acting Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230, within 30 days of the publication of this notice, pursuant to 19 CFR 351.310(c). Requests should contain: (1) The party's name, address, and telephone; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. *See id.*

This determination is published pursuant to sections 703(f) and 777(i) of the Act.

Dated: September 8, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–22187 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–806]

Certain Pasta From Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review

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

SUMMARY: On January 28, 2009, the Department of Commerce (''the Department'') published a notice of initiation of a changed circumstances review (''CCR'') of the countervailing duty (''CVD'') order on certain pasta from Turkey as requested by Marsan Gida Sanayi ve Ticret A.S. (''Marsan'') *See Notice of Initiation of Countervailing Duty Changed Circumstances Review: Certain Pasta from Turkey,* 74 FR 4938 (January 28, 2009) (''*Initiation Notice''*). As stated in the *Initiation Notice,* we are not applying the antidumping (''AD'') successor-in-interest methodology to determine whether Marsan is the successor to Gidasa Sabanci Gida Sanayi ve Ticaret A.S. (''Gidasa'') for CVD purposes. *Id.* at 4939. After receiving additional information regarding the circumstances which warranted the CCR of Gidasa, pursuant to the new criteria outlined in the ''Preliminary Results of Changed Circumstances Review'' section below, we preliminarily find that Marsan is not the successor to Gidasa, for purposes of the CVD cash deposit rates, and therefore its merchandise should continue to enter under the ''all others'' cash deposit rate. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* September 15, 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 & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0116 or (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1996, the Department published in the **Federal Register** the order on certain pasta from Turkey. *See Notice of Countervailing Duty Order: Certain Pasta (''Pasta'') From Turkey,* 61 FR 38546 (July 24, 1996). On December 3, 2008, Marsan requested that the Department initiate and conduct expedited CCRs to determine that, for purposes of the AD and CVD cash deposits, Marsan is the successor to Gidasa. *See* Marsan's December 3, 2008, submission entitled, ''Pasta from Turkey: Request for Expedited Changed Circumstances Review of AD/CVD Orders'' (''CCR Request''). On January 28, 2009, the Department published a notice of initiation of a CCR of the CVD order for Marsan. *See Initiation Notice.* On April 16, 2009, the Department requested additional information and issued a questionnaire to Marsan, to which it responded on May 1, 2009. *See* Marsan's May 1, 2009, response entitled, ''Pasta from Turkey: Marsan response to the supplemental questionnaire.''

On April 14, 2009, and June 2, 2009, the Department published its preliminary and final results, respectively for the CCR of the AD order on certain pasta from Turkey and found that Marsan was the successor-in-interest to Gidasa. *See Certain Pasta from Turkey: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review,* 74 FR 17153 (April 14, 2009); *Certain Pasta from Turkey: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 74 FR 26373 (June 2, 2009).

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta in packages of five pounds (or 2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Preliminary Results of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.216, the Department will conduct a CCR upon receipt of information concerning, or a request from an interested party for review of, a CVD order which shows changed circumstances sufficient to warrant a review of the order. In this case, the Department finds that the information submitted by the respondent provided sufficient evidence of changed circumstances to warrant a review to determine whether Marsan is the successor to Gidasa for purposes of CVD cash deposit rates. Thus, in accordance with section 751(b) of the Act, the Department initiated a CCR to determine whether Marsan is the successor to Gidasa for purposes of CVD cash deposit rates with respect to imports of certain pasta from Turkey.

In *Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Preliminary Results of Countervailing Duty Changed Circumstances Review,* 71 FR 75937 (December 19, 2006), the Department indicated that it intended to further consider the issue of whether alternative or additional successorship criteria, other than those the Department relies upon in an AD CCR, would be more appropriate in a successorship-type [1] CVD CCR context. Moreover, the Department stated that it anticipated issuing a **Federal Register** notice inviting the public to submit comments on the issue. Subsequently, the Department published *Countervailing Duty Changed Circumstances Reviews; Request for Comment on Agency Practice,* 72 FR 3107 (January 24, 2007) (''*Request for Comment*''), in which the Department highlighted various considerations relevant to the issue of CVD CCRs, and provided the public an opportunity to comment on whether any changes to the Department's practice regarding such reviews was warranted and, if so, what those changes should entail.

We received comments from two parties in response to the *Request for Comment.*[2] The first commenter urged that any decision to revise or clarify the Department's CVD CCR practice should reflect the historically limited purpose of CCRs, which is to modify a successor's cash deposit rate for future entries until it obtains a new rate as a result of an administrative review. Citing to the statute, various past Department decisions and findings of the Court of International Trade, as well as noting various practical constraints, the commenter argued that CCRs are not administrative reviews and do not necessarily involve the calculation of rates related to specific entries. Administrative reviews, this party contended, are the appropriate forum in which to collect the evidence and calculate the precise level of subsidization for a successor company. In contrast, the function of CCRs is to address the effect of ''changed circumstances'' on a final affirmative determination that resulted in a CVD order. Put otherwise, the function of a CCR is to determine whether the company is essentially the same as the predecessor company for cash deposit purposes. If the company is not essentially the same, the commenter argued that the Department should normally assign the successor company the ''all others'' rate until an administrative review is requested as the all others rate is the default rate for exports that have not been investigated or subject to an administrative review. With regard to which criteria the Department should use in assessing whether the successor company is essentially the same as the predecessor company, this commenter argued for the following factors: (1) Organization structure; (2) management; and (3) production facilities relevant to the

[1] Recognizing the Department may conduct other types of CCRs, the discussion in this section focuses on ''successorship'' CCRs for determining the appropriate cash deposit rate for the respondent company in question.

[2] *See* Letter to Gregory W. Campbell, Office of Policy from Corus Group plc, entitled ''Countervailing Duty Changed Circumstances Review; Request for Comments on Agency Practice,'' dated February 23, 2007, and Letter to Gregory W. Campbell, Office of Policy, from Law Offices of Stewart and Stewart, entitled ''Countervailing Duty Changed Circumstances Reviews: Request for Comment on Agency Practice; Comments of Stewart and Stewart,'' dated February 23, 2007. Copies of these public comments are available on file in the Department's Central Records Unit in Room HCHB 1117 of the Department's main building.

production and exportation of subject merchandise.

The second commenter agreed with the Department's observation in the *Request for Comment* that AD and CVD proceedings, while having some points of common analysis, are ultimately focused on analytically distinct questions; where AD proceedings are focused on the extent to which a foreign producer or exporter has made sales below fair value, CVD proceedings are focused on the extent to which a foreign producer or exporter has benefitted from subsidies. Therefore, the application of the AD ''same business entity'' criteria in a CVD CCR is, in this commenter's view, clearly inappropriate. This is because, in the case of a change in ownership for payment of market value, some or all of a respondent's previously received subsidies will no longer be countervailable, even where the company remains, after the change in ownership, the ''same business entity'' as it was before the transaction. According to this party, in these circumstances, the Department focus must be on the nature of the transaction and not the four factor ''same business entity'' test. This commenter believes that where, in a CVD CCR, the Department determines that a change in the company's ownership or structure has effected a significant change in the level of countervailable subsidization, it is incumbent on the Department to recalculate the cash deposit rate to reflect the change effected by the change in structure or ownership. However, a full recalculation of all aspects of the respondent's subsidies, to the extent that they are not directly related to the change in ownership or structure, is neither necessary nor appropriate. Finally, this commenter supported an expedited CVD CCR process where there is no indication that the level of subsidization has changed significantly as a result of the changed circumstances.

After considering parties' comments, and drawing on the Department's past experience with CVD CCRs, we are now prepared to promulgate a new approach that the Department intends to apply in the current as well as in future CVD CCR proceedings. As background, we start by laying out certain broad principles relevant to this issue. First, we note that section 751(b)(1) of the Act directs the Department to conduct a review of a final affirmative CVD determination when it receives a request from an interest party ''which shows changed circumstances sufficient to warrant a review of such determination.'' The statute does not define the term ''changed circumstances.''

Nor does the statute require that the standards and analysis the Department uses in finding changed circumstances in the CVD context be identical to those used in the AD context. What may constitute sufficient grounds for initiating an AD CCR may not be sufficient grounds for initiating a CVD CCR and *vice versa.* As we noted in the *Request for Comment* and as reflected in the second commenter's arguments, above, to the extent that dumping is a matter of price discrimination and the AD CCR analysis is concerned with the pricing behavior of a successor company, such an analysis would not necessarily be relevant in the CVD context where subsidization, not price discrimination, is the analytical focus. In the context of a CVD CCR, the Department interprets the term ''changed circumstances'' in a manner consistent with the purpose of the CVD statute. Thus, the findings in an AD CCR may be different from, and irrelevant to, the findings in a CVD CCR.

Moreover, the limited purpose of a CVD CCR generally is to determine whether a company is essentially the same subsidized entity as the alleged predecessor company for cash deposit purposes. Accordingly, the Department decides whether the alleged predecessor company's rate applies to the party being examined. In the context of a CVD CCR, the Department does not normally calculate a new subsidy rate, or revised rate where applicable, for the party being examined. Among other reasons, a complete analysis of a respondent's subsidy rate (whether the respondent is a successor or not) would require, at a minimum, the submission and analysis of a full questionnaire response (and any supplemental responses), ample time for comment from interested parties, and possible verification. All this would not be feasible within the condensed time frame of a CCR. *See* 19 CFR 351.216(e). Rather, the Department conducts such an analysis in an administrative review, which is the administrative procedure provided in the statute precisely for this purpose.

With this in mind, our approach to CVD CCRs going forward will be as follows. As a general rule, in a CVD CCR, the Department will make an affirmative CVD successorship finding (*i.e.,* that the respondent company is the same subsidized entity for CVD cash deposit purposes as the predecessor company) where there is no evidence of significant changes in the respondent's operations, ownership, corporate or legal structure during the relevant period (*i.e.,* the ''look-back window'')[3] that could have affected the nature and extent of the respondent's subsidy levels. Where the Department makes an affirmative CVD successorship finding, the successor's merchandise will be entitled to enter under the predecessor's cash deposit rate.

Structured in this manner, this CVD CCR analysis is intended to serve as a type of screening mechanism. Significant changes in the respondent's operations, ownership, corporate or legal structure that potentially could affect the nature and extent of the company's subsidization are a sufficient basis for reconsidering what constitutes the best estimate of the respondent's existing subsidy levels. In the face of such changes, it normally would be inappropriate for the Department to affirm a cash deposit rate that had been calculated during a previous time period based on a significantly different factual pattern. The most appropriate CVD cash deposit rate in this instance is the rate under which the merchandise of a newly-renamed entity would normally be entered, *i.e.,* the ''all others'' cash deposit rate. Conversely, where there have not been any such significant changes during the look-back window, it normally is appropriate and reasonable for the Department to re-affirm the existing ''predecessor'' duty deposit rate as the best estimate of the respondent's existing rate of subsidization.

For the sake of clarity, consistency, and predictability, we are identifying the following non-exhaustive list of the types of changes that we normally consider to be significant and would affect the nature and extent of the requesting party's subsidization:[4] (1)

[3] For purposes of CVD CCRs, the ''look-back window'' is defined as the period spanning from the present (*i.e.,* the time the CCR request was submitted to the Department), back to the end of the period of investigation or, if there have been intervening opportunities to request an administrative review, the end of the period of review associated with the most recent opportunity to request an administrative review. The look-back window has been circumscribed in this manner based, in part, on the principle that if changed circumstances occurred prior to this period that were of concern to any party in the proceeding, that party could have requested an administrative review to consider those changes.

[4] This list is based on the Department's extensive experience in applying its regulations and existing practice to various factual patterns. Taking just one example, 19 CFR 351.525(b) provides general ''attribution'' rules that would apply when determining the subsidy rate when two previously unrelated subject merchandise producers merge. What is clear *ex ante* in applying these general rules is that the resulting rate for the merged entity would most likely be different from the previously calculated subsidy rates for either of the two pre-merger companies. Given the fact-intensive analysis

Continued

Changes in ownership, other than regular buying and selling of publicly owned shares held by a broad array of investors, (2) corporate mergers and acquisitions involving the respondent's consolidated or cross-owned corporate family and outside companies, and (3) purchases or sales of significant productive facilities.

Where a change has occurred in the respondent's operations, ownership, corporate or legal structure that is not explicitly reflected in this non-exhaustive list, the Department will assess whether that change could affect the nature and extent of the respondent's subsidization and, therefore, whether the respondent is the same subsidized entity as the predecessor for CVD purposes, with reference to one or more of the following objective criteria: [5] (1) Continuity in the cross-owned or consolidated respondent company's financial assets and liabilities; (2) continuity in its production and commercial activities; and (3) continuity in the level of the government's involvement in the respondent's operations or financial structure (*e.g.,* government ownership or control, the provision of inputs, loans, equity).[6]

We have adopted the particular criteria noted above because, in contrast to the factors examined in an AD CCR, these better reflect those aspects of a company that generally are most impacted by, the target of, or the vehicle for subsidy benefits. For example, stabilizing a company's financial position, or facilitating investment in new productive capacity is often a goal of subsidization, and governments often achieve this subsidization through direct involvement in, or financial or ''in kind'' provisions to, the company.

Any party requesting a CVD CCR should provide, as part of its request, information sufficient to clearly identify and explain any significant changes in the respondent's operations, ownership, or corporate or legal structure during the look-back window. At a minimum, the request should include a full narrative with supporting documentation regarding any changes similar to those items in the non-exhaustive list above as well as complete information addressing the three objective criteria enumerated above. The supporting information should also include, where available, the translated financial statements on a consolidated basis for the respondent for the years of and immediately prior to any changes related to the non-exhaustive list and the objective criteria. (For example, if the change in question occurred in May 2008, annual consolidated financial statements should be provided for years 2007 and 2008). The requesting party should also identify in its request, to the extent of its knowledge, under what exporter/producer name and CVD cash deposit rate the subject merchandise is currently entering into the United States.

Upon receipt of a duly supported CVD CCR request containing the necessary information outlined above, the Department will initiate and conduct a CVD CCR, consistent with its regulations. In making a final CVD CCR finding, the Department will normally come to one of two conclusions: (1) The respondent company is the successor to the pre-change predecessor company and, therefore, the respondent's merchandise may enter under the predecessor's established duty deposit rate, or (2) the respondent company is not the successor, which means its merchandise is not entitled to enter under the claimed ''predecessor's'' previously established cash deposit rate.[7]

Finally, we make the following general points about the application and likely implications of this new methodology. First, we reiterate that, for the reasons discussed above, our analysis will focus on whether a significant change occurred in the company's operations, ownership, corporate or legal structure and not whether those changes, in fact, ultimately did affect the respondent's subsidization or by how much. This latter question can only be decided based on a full analysis of a complete record compiled in the course of an administrative review and not on the limited facts or within the abbreviated time frame of a CVD CCR.

Second, we recognize that CVD CCRs involving companies that have been excluded from the order is a unique situation that may require additional consideration and, potentially, a different analysis. As we are not presented with that fact pattern in this case, we will address the issue of excluded companies in CVD CCRs, and articulate appropriate standards and analyses for such instances, where and when those circumstances arise.

Third, we will not initiate a CVD CCR if the question of the appropriate cash deposit rate can otherwise be addressed in an ongoing or, where appropriate, an impending administrative review. Initiating an additional CVD CCR in these circumstances poses an unnecessary burden on parties and on the Department's resources, and an ongoing administrative review generally provides an opportunity for a fuller record to be developed and for greater participation by interested parties.

Finally, for reasons discussed above, findings regarding successorship under an AD CCR are not necessarily relevant to a CVD CCR, and *vice versa.*

Analysis of Responses

On August 14, 2007, MGS Marmara Gida (''MGS''), a Turkish holding company, was formed by five individuals for the purpose of acquiring the respondent, Gidasa. The agreement to transfer Gidasa from its former owner to MGS was signed on the same day MGS incorporated, and the transfer was completed on March 3, 2008. On June 5, 2008, MGS changed Gidasa's legal corporate name to Marsan. Subsequently, in its submissions dated December 3, 2008, and May 1, 2009, Marsan informed the Department that a change in ownership occurred, and that MGS acquired all of Gidasa's assets, including its facilities and brand names.

Accordingly, we find that significant changes have occurred during the relevant ''look-back'' window, beginning January 1, 2008, in Gidasa's/Marasan's ownership and corporate structure.[8] New investors and a new corporate entity now own and control the production of subject merchandise and such significant changes could impact the nature and extent of the respondent's subsidization. As stated above in our new policy, we are not going to analyze whether Marsan's rate of subsidization matches that of Gidasa (*i.e.,* whether the level of subsidization has actually changed at some point on or after March 3, 2008, when significant changes occurred) or recalculate a new CVD cash deposit rate for Marsan. This type of analysis is more appropriately done in the context of an administrative review.

involved, the extent to which the rate for the merged entity differs from either of the previous company's rates could only be determined in a full administrative review.

[5] This is not necessarily an exclusive list.

[6] Routine or ''technical'' fluctuations in subsidy rates stemming from, *e.g.,* declining allocable subsidy benefits under the Department's declining balance methodology, ordinary fluctuations in sales denominators, or changing interest rates would not normally in themselves be a basis for a negative successorship finding.

[7] Generally, this means the ''all others'' cash deposit rate will apply.

[8] We note that the last date to request an administrative review was July 31, 2009, which would cover the period of review for January 1, 2008, to December 31, 2008. Therefore, based on our new policy, in this case the Department will examine changes that have occurred from January 1, 2008, through the time that Gidasa/Marsan submitted its CCR Request.

Since significant changes in Marsan's ownership and corporate structure have occurred that could potentially affect the nature and extent of the company's subsidization, pursuant to our new policy outlined above, we are finding that Marsan's merchandise is not entitled to enter under the CVD cash deposit rate previously established in the last CVD administrative review of Gidasa. Accordingly, we preliminarily determine that Marsan's merchandise should continue to enter under the ''all others'' CVD rate.

Public Comment

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing, if requested, will be held no later than 19 days after the date of publication of this notice, or the first workday thereafter. *See* 19 CFR 351.310. Case briefs from interested parties may be submitted not later than 10 days after the date of publication of this notice. Rebuttal briefs, limited to the issues raised in those comments, may be filed not later than 17 days after the date of publication of this notice. *See* 19 CFR 351.309. All written comments shall be submitted in accordance with 19 CFR 351.303. Persons interested in attending the hearing, if one is requested, should contact the Department for the date and time of the hearing. The Department will publish the final results of this CCR in accordance with 19 CFR 351.216(e), including the results of its analysis of issues raised in any written comments. The current requirement for a cash deposit of estimated CVD duties on all subject merchandise at issue will continue unless and until it is modified pursuant to the final results of this CCR.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216.

Dated: September 9, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–22192 Filed 9–14–09; 8:45 am]

BILLING CODE 3510–DS–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 the Application Instructions for State Administrative Funds, Program Development Assistance and Training, and Disability Placement to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Ms. Amy Borgstrom at (202) 606–6930. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register**:

(1) *By fax to:* (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and

(2) *Electronically by e-mail to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Comments

A 60-day public comment Notice was published in the **Federal Register** onJuly 8, 2009. This comment period ended September 8, 2009. One public comment was received from this Notice. The commenter made suggestions for minor edits, and requested additional guidance on the provision in the Serve America Act which requires making recommendations to their State agency on aging. The commenter also requested clarification and additional guidance on how to implement the Serve America Act provision will requires Disability funding to be used to provide reasonable accommodation to Senior Corps and Learn and Serve America grantees as well as AmeriCorps State and National grantees. The Corporation will provide additional clarification and guidance in both respects.

Description: The Corporation is seeking approval of the Application Instructions for State Administrative Funds, Program Development Assistance and Training, and Disability Placement which will be used by State commissions to apply for funds to support activities related to administration, training, and access for people with disabilities.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Application Instructions for State Administrative Funds, Program Development Assistance and Training, and Disability Placement.

OMB Number: 3049–0099.

Agency Number: None.

Affected Public: State commissions.

Total Respondents: 54.

Frequency: Every three (3) years.

Average Time per Response: 24 hours.

Estimated Total Burden Hours: 1296 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: September 9, 2009.

Lois Nembhard,

Director, AmeriCorps State and National.

[FR Doc. E9–22130 Filed 9–14–09; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Department of Defense Military Family Readiness Council (MFRC)

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming

meeting of the Department of Defense Military Family Readiness Council (MFRC). The purpose of the meeting is to review the Council's Charter, review the status of warrior care, and address selected concerns of military family organizations. The meeting is open to the public, subject to the availability of space.

DATES: The meeting will be held October 1, 2009, from 2 to 4 p.m.

Persons desiring to attend may contact Mr. Michael Osborn (see **FOR FURTHER INFORMATION CONTACT**) no later than 5 p.m. on Monday, September 28, 2009, to arrange for parking and escort into the conference room inside the Pentagon.

Persons wishing to submit a written statement must notify Mr. Michael Osborn no later than 5 p.m., Monday, September 28, 2009.

ADDRESSES: The meeting will be held at the Pentagon Conference Center B6 (escorts will be provided from Pentagon Conference Center entrance).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Osborn, Office of the Deputy Under Secretary (Military Community & Family Policy), 4000 Defense Pentagon, Room 5A726, Washington, DC 20301–4000. Telephone (703) 588–0099 and/or e-mail: *george.osborn.ctr@osd.mil.*

SUPPLEMENTARY INFORMATION:

Meeting Agenda

The following topics are on the meeting agenda, although the exact order may vary:

Welcome and Administrative Remarks.

Review of the Council's Charter.

Discussion of the DoD Report on Military Family Readiness Policy and Plans.

Comments from Family Organizations on Top Programs and Top Concerns.

Comments from Military Services on Top Programs and Top Concerns.

Recap of Top Programs and Concerns for Inclusion in the Council's Annual Report.

Intentions for the Second 2009 Meeting.

Closing Remarks.

The meeting is open to the public, subject to the availability of space.

Written Statements

Interested persons may submit a written statement for consideration by the Council. Persons desiring to submit a written statement to the Council must notify Mr. Michael Osborn (see **FOR FURTHER INFORMATION CONTACT**) no later than 5 p.m., on Monday, September 28, 2009.

Dated: September 10, 2009.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–22138 Filed 9–14–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Supplemental Environmental Impact Statement for the Louisiana Coastal Area (LCA)—Louisiana, Modification of Caernarvon Project

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE) intends to prepare a supplemental environmental impact statement (EIS) for the Louisiana Coastal Area (LCA)—Louisiana, Modification of Caernarvon Diversion Project. This modification project will be designed to increase wetland restoration outputs. This supplemental EIS will be tiered off of the programmatic final EIS for the Louisiana Coastal Area (LCA)—Louisiana, Ecosystem Restoration Study, November 2004, and the final EIS for the LCA—Louisiana, Freshwater Diversion to Barataria and Breton Sound Basins Study, September 1984. The record of decision (ROD) for the programmatic final EIS was signed on November 18, 2005 and the ROD for the freshwater diversion final EIS was signed on July 16, 1987.

DATES: A scoping meeting is planned for October 8, 2009, see **SUPPLEMENTARY INFORMATION** section for scoping meeting location.

FOR FURTHER INFORMATION CONTACT: Questions concerning the draft supplemental EIS should be addressed to Michael T. Brown, CEMVN–PM–RP, P.O. Box 60267, New Orleans, LA 70160–0267; telephone: (504) 862–1570; fax: (504) 862–2088; or by e-mail: *michael.t.brown@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Authority.* This supplemental EIS will be tiered off of the programmatic final EIS for the LCA—Louisiana, Ecosystem Restoration Study, November 2004 and the final EIS for the LCA—Louisiana, Freshwater Diversion to Barataria and Breton Sound Basins Study, September 1984. The Water Resources Development Act of 2007 (WRDA 2007) authorized fifteen projects under the LCA program. The authority includes requirements for comprehensive planning, program governance, implementation, and other program components. The LCA restoration program will facilitate the implementation of critical restoration features and essential science and technology demonstration projects, increase the beneficial use of dredged material and determine the need for modification of selected existing projects to support coastal restoration objectives. The LCA near-term plan includes fifteen elements authorized for implementation contingent upon meeting certain reporting requirements. Specifically, Section 7006 (e)(1)(C) instructs the Secretary of the Army to carry out the following project referred to in the restoration plan: (C) Modification of Caernarvon Diversion at a total cost of $20,700,000. The Congressional language further directs completion of a feasibility report of the Chief of Engineers, and subsequent submission to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

2. *Proposed Action.* The Modification of Caernarvon Diversion Project would increase wetland restoration outputs in the Breton Sound Basin. The objective of this modification project is to: Maximize the use of the existing diversion structure for the purpose of decreasing wetland loss and increasing habitat quality.

3. *Alternatives.* Restoration measures being considered include changing the structure's operational plan to flow at maximum capacity; to flow at 5,000 cubic feet per second (cfs) on average; and to include pulsing (fully opening the structure's gates during a rise in the Mississippi River to maximize suspended sediment delivery). Other possible alternatives include physical land modifications to divert water to areas that currently do not receive diversion flows; marsh restoration; shoreline protection; terracing; and vegetative plantings. Alternative plans will be developed through various combinations of restoration measures that best meet the study goals and objectives and is determined to be cost-effective, environmentally acceptable and technically feasible.

4. *Public Involvement.* Public involvement, an essential part of the supplemental EIS process, is integral to assessing the environmental consequences of the proposed action and improving the quality of the environmental decision making. The public includes affected and interested Federal, state, and local agencies, Indian tribes, concerned citizens, stakeholders,

and other interested parties. Public participation in the supplemental EIS process will be strongly encouraged, both formally and informally, to enhance the probability of a more technically accurate, economically feasible, and socially and politically acceptable supplemental EIS. Public involvement will include but is not limited to: Information dissemination; identification of problems, needs and opportunities; idea generation; public education; problem solving; providing feedback on proposals; evaluation of alternatives; conflict resolution by consensus; public and scoping notices and meetings; public, stakeholder and advisory groups consultation and meetings; and making the supplemental EIS and supporting information readily available in conveniently located places, such as libraries and on the World Wide Web.

5. *Scoping*. Scoping, an early and open process for identifying the scope of significant issues related to the proposed action to be addressed in the supplemental EIS, will be used to: (a) Identify the affected public and agency concerns; (b) facilitate an efficient supplemental EIS preparation process; (c) define the issues and alternatives that will be examined in detail in the supplemental EIS; and (d) save time in the overall process by helping to ensure that the draft supplemental EIS adequately addresses relevant issues. The public scoping meeting is scheduled for October 8, 2009 at 6 p.m. at the Lynn Oaks School located at 1 Lynn Oaks Dr., Braithwaite, Louisiana. A Scoping Meeting Notice will also be mailed to all interested parties in September 2009. Additional meetings could be held, depending upon public interest and if it is determined that further public coordination is warranted.

6. *Coordination*. The USACE and the U.S. Fish and Wildlife Service (USFWS) have formally committed to work together to conserve, protect, and restore fish and wildlife resources while ensuring environmental sustainability of our Nation's water resources under the January 22, 2003, Partnership Agreement for Water Resources and Fish and Wildlife. The USFWS will provide a Fish and Wildlife Coordination Act Report. Coordination will be maintained with the USFWS and the National Marine Fisheries Service (NMFS) regarding threatened and endangered species under their respective jurisdictional responsibilities. Coordination will be maintained with the NMFS regarding essential fish habitat. Coordination will be maintained with the Natural Resources Conservation Service regarding prime and unique farmlands. The U.S. Department of Agriculture will be consulted regarding the ''Swampbuster'' provisions of the Food Security Act. Coordination will be maintained with the U.S. Environmental Protection Agency concerning compliance with Executive Order 12898, ''Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations.'' Coordination will be maintained with the Advisory Counsel on Historic Preservation and the State Historic Preservation Officer. The Louisiana Department of Natural Resources will be consulted regarding consistency with the Coastal Zone Management Act. The Louisiana Department of Wildlife and Fisheries will be consulted concerning potential impacts to Natural and Scenic Streams.

7. *Availability of Draft Supplemental EIS*. The earliest that the draft supplemental EIS will be available for public review would be in spring of 2011. The draft supplemental EIS or a notice of availability will be distributed to affected Federal, state, and local agencies, Indian tribes, and other interested parties.

Dated: August 27, 2009.

Alvin B. Lee,

Colonel, U.S. Army, District Commander.

[FR Doc. E9–22146 Filed 9–14–09; 8:45 am]

BILLING CODE 3720–58–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 October 15, 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 or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 9, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Vocational and Adult Education

Type of Review: New.

Title: International Experiences with Technology in Education.

Frequency: Once.

Affected Public: Federal government.

Reporting and Recordkeeping Hour Burden:

Responses: 25.

Burden Hours: 88.

Abstract: The U.S. Department of Education is in the process of benchmarking its K12 educational technology policies and practices against the policies and practices in 25 competitor nations. The purpose is to understand how U.S. educational technology practices compare to other competitor nations. Data collected through surveys and follow up telephone interviews will help fill in gaps in information about (a) what data competitor nations are collecting, (b) where there are gaps between available data and U.S. national priorities, and (c) international rankings and comparisons for selected indicators. Data analysis will result in country profiles that will detail country-specific information regarding selected indicators, summary and comparison of data across countries, and analysis of what additional information would need to be

collected to address emerging U.S. policy priorities. Respondents will be representatives of ministries of education in the 25 selected countries.

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 4092. 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. E9–22137 Filed 9–14–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Chronic Beryllium Disease Prevention Program, OMB Control Number 1910–5112. This information collection request covers the information from DOE and DOE contractors that are subject to the Department's ''Chronic Beryllium Disease Prevention Program,'' title 10, Code of Federal Regulations, part 850 (10 CFR part 850). The regulations contained in the Chronic Beryllium Disease Prevention Program have been promulgated under authority of the Atomic Energy Act of 1954 and the Department of Energy Organization Act.

DATES: Comments regarding this collection must be received on or before October 15, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503; and to Jacqueline D. Rogers, U.S. Department of Energy; Office of Health, Safety and Security, HS–11; 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4714, by fax at 202–586–8548, or by e-mail at: *jackie.rogers@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jacqueline D. Rogers, U.S. Department of Energy; Office of Health, Safety and Security, HS–11; 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4714, by fax at 202–586–8548, or by e-mail at *jackie.rogers@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: This information collection request contains: *(1) Current OMB Control Number:* 1910–5112; *(2) Information Collection Request Title:* Chronic Beryllium Disease Prevention Program; *(3) Purpose:* This collection provides the Department with the information needed to reduce the number of workers currently exposed to beryllium in the course of their work at DOE facilities managed by DOE or its contractors; minimize the levels and potential exposure to beryllium; and provide medical surveillance to ensure early detection of disease; *(4) Estimated Number of Respondents:* 5,799; *(5) Estimated Total Burden Hours:* 25,024; (*6) Number of Collections:* The information collection request contains six information and/or recordkeeping requirements.

Statutory Authority: Atomic Energy Act of 1954, 42 U.S.C. 2201, and the Department of Energy Organization Act, 42 U.S.C. 7191 and 7254.

Issued in Washington, DC.

Lesley A. Gasperow,

Director, Office of Resource Management, Office of Health, Safety and Security.

[FR Doc. E9–22155 Filed 9–14–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: submission for OMB Review; comment request.

SUMMARY: The EIA has submitted the Petroleum Supply Reporting System package to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq.*)

DATES: Comments must be filed by October 15, 2009. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX at 202–395–7285 or e-mail to *Christine_Kymn@omb.eop.gov* is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–4638. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland. To ensure receipt of the comments by the due date, submission by FAX (202–586–5271) or e-mail (*grace.sutherland@eia.doe.gov*) is also recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 586–6264.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.,* the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.,* new, revision, extension, or reinstatement); (5) response obligation

(*i.e.,* mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.,* the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–800, 801, 802, 803, 804, 805, 810, 812, 813, 814, 815, 816, 817, 819, 820 ''Petroleum Supply Reporting System''.

2. Energy Information Administration.

3. OMB Number 1905–0165.

4. Three-year extension.

5. Mandatory.

6. EIA's Petroleum Supply Reporting System collects information needed for determining the supply and disposition of crude oil, petroleum products, and natural gas liquids. The data are published by EIA and are used by public and private analysts. Respondents are operators of petroleum refineries, blending plants, bulk terminals, crude oil and product pipelines, natural gas plant facilities, tankers, barges, and oil importers.

7. Business or other for-profit.

8. 186,195 hours.

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, *see* the **FOR FURTHER INFORMATION CONTACT** section.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Public Law 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, September 10, 2009.

Stephanie Brown,

Director, Statistics and Methods Group, Energy Information Administration.

[FR Doc. E9–22151 Filed 9–14–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13537–000]

Lock + TM Hydro Friends Fund XXVI, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On July 6, 2009, Lock + TM Hydro Friends Fund XXVI, LLC, filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Old Geezer Hydroelectric Project, to be located on the Fox River, in Outagamie County, Wisconsin.

The proposed Old Geezer Project would be located at the U.S. Army Corps of Engineers Fox River Lower Appleton Dam in Appleton, Wisconsin.

The proposed project would consist of: (1) One new underwater frame module containing nine turbines with a total installed capacity of about 4.73 megawatts which would be installed in a new concrete conduit located adjacent to the Corps' active lock; (2) a new removable lock door; (3) a new switchyard, transformer, and control room which would be located on the west side of the Corps dam; (4) a new 1000-foot-long, 36.7 kilovolt transmission line, which would deliver power from the turbines to an existing transformer tie-in bus located at the Corps' lock and dam facilities; and (5) appurtenant facilities. The Old Geezer Project would have an estimated average annual generation of about 37,278 megawatts-hours, which would be sold to a local utility.

Applicant Contact: Mr. Wayne F. Krouse, Managing Partner, Lock + Hydro Friends Fund XXVI, 5090 Richmond Avenue #390, Houston, TX 77056, 877–556–6566 x709, *wayne@hgenergy.com.*

FERC Contact: John Ramer, (202) 502–8969.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website 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 website 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 website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13537) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22097 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13570–000]

Warmsprings Irrigation District; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On August 14, 2009, Warmsprings Irrigation District filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Warm Springs Hydroelectric Project located at the existing Bureau of Reclamation's Warm Springs Dam on the Malheur River, Oregon. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would utilize the existing facilities of the U.S. Bureau of Reclamation's Warm Springs Dam including the reservoir; and would consist of the following new facilities: (1) A proposed 60-inch-diameter and 100-feet-long penstock; (2) a new powerhouse containing one generating unit having an installed capacity of 2.5-megawatts; (3) a proposed 100-feet-long, 15-kilovolt transmission line; and (4) appurtenant facilities. The proposed project would have an average annual generation of 6.6 gigawatt-hours.

Applicant Contact: Randy Kinney, Warm Springs Irrigation District, 334

Main Street North, Vale, OR 97918; phone: (541) 473–3951.

FERC Contact: Gina Krump, (202) 502–6704, *gina.krump@ferc.gov*.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, 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–13570) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22100 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12478–003]

Gibson Dam Hydroelectric Company, LLC; Notice of Application Tendered for Filing With the Commission

September 4, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Project—Existing Dam.

b. *Project No.:* P–12478–003.

c. *Date Filed:* August 28, 2009.

d. *Applicant:* Gibson Dam Hydroelectric Company, LLC.

e. *Name of Project:* Gibson Dam Hydroelectric Project.

f. *Location:* On the Sun River, near the towns of Augusta and Fairfield, Lewis and Clark and Teton Counties, Montana. The project would occupy 95.34 acres of Federal land administered by the U.S. Forest Service and 19.39 acres of Federal land administered by the U.S. Bureau of Land Management for a total of 114.73 acres of Federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Steve C. Marmon, GDHC, and Thom A. Fischer, P.E., Whitewater Engineering Corporation, 3633 Alderwood Ave., Bellingham, WA 98225, (360) 738–9999.

i. *FERC Contact:* Matt Cutlip, phone: (503) 552–2762, e-mail: *matt.cutlip@ferc.gov.*

j. *Cooperating agencies:* Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item 1 below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing requests for cooperating agency status:* October 27, 2009.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

l. The application is not ready for environmental analysis at this time.

m. The proposed project would utilize the existing facilities of the U.S. Bureau of Reclamation's Gibson Dam including the reservoir, existing valve house, and two existing dam outlet pipes; and would consist of the following new facilities: (1) Two new 72-inch-diameter penstocks extending 40 feet from the existing outlet pipes to the powerhouse; (2) a new powerhouse located near the toe of the dam with four turbine/generating units with total installed capacity of 15 megawatts; (3) a new 25.8-mile, 34.5/69 kV overhead and underground transmission line from the powerhouse to an interconnection point with Sun River Electric Cooperative, Inc.'s existing 69 kV transmission line at Jackson's Corner; (4) a new 34.5/69 kV step-up substation; (5) a new maintenance building located approximately 1,400 feet downstream of the powerhouse adjacent to existing Gibson Dam operations facilities; and (6) appurtenant facilities. The average annual generation is estimated to be 40 gigawatt-hours.

n. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if needed): October 2009.

Issue Acceptance Letter: January 2010.

Notice soliciting final terms and conditions: February 2010.

Notice of the availability of the draft EA: September 2010.

Notice of the availability of the final EA: February 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22089 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13536–000]

Lock + TM Hydro Friends Fund XXV, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On July 6, 2009, Lock + TM Hydro Friends Fund XXV, LLC, filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Grim Reaper Hydroelectric Project, to be located on the Fox River, in Outagamie County, Wisconsin.

The proposed Grim Reaper Project would be located at the U.S. Army Corps of Engineers Fox River Upper Appleton Dam in Appleton, Wisconsin.

The proposed project would consist of: (1) One new underwater frame module containing nine turbines with a total installed capacity of about 4.73 megawatts which would be installed in a new concrete conduit located adjacent to the Corps' active lock; (2) a new removable lock door; (3) a new switchyard, transformer, and control room which would be located on the west side of the Corps' Upper Appleton Dam; (4) a new 1500-foot-long, 36.7 kilovolt transmission line, which would deliver power from the turbines to an existing transformer tie-in bus located at the Corps' lock and dam facilities; and (5) appurtenant facilities. The Grim Reaper Project would have an estimated average annual generation of about 37,278 megawatts-hours, which would be sold to a local utility.

Applicant Contact: Mr. Wayne F. Krouse, Managing Partner, Lock+ Hydro Friends Fund XXV, 5090 Richmond Avenue #390, Houston, TX 77056, 877–556–6566 x709, *wayne@hgenergy.com.*

FERC Contact: John Ramer, (202) 502–8969.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13536) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22096 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13567–000]

City of Guttenberg, IA; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 8, 2009.

On August 12, 2009, City of Guttenberg, Iowa filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Guttenberg Water Power Project (Guttenberg Project). The Guttenberg Project would be located at the U.S. Army Corps of Engineers' (Corps) Mississippi River Lock and Dam No. 10, located at River Mile 615.0 on the Mississippi River in Clayton County, Iowa, and Grant County, Wisconsin, adjacent to the City of Guttenberg.

The proposed Guttenberg Project would be installed within the existing and unused auxiliary lock adjacent to the 600-foot-long primary, operating lock which is adjacent to the existing 5,747-foot-long Corps Lock & Dam No. 10.

The proposed project would consist of: (1) Nine 485-kilowatt generator-turbine units totaling 4.365 megawatts (MW) that would be arrayed within the auxiliary lock on a frame module structure; (2) a new 69-kilovolt transmission line connected to an existing above-ground local distribution system; and (3) appurtenant facilities. The project would have an estimated average annual generation of 27,000 megawatt-hours.

Applicant Contact: Mr. Barry Dykhuizen, City Manager, City of Guttenberg, P.O. Box 580, 502 S. 1st St., Guttenberg, IA 52052–0580, (563) 252–1161 ext. 109.

FERC Contact: Patrick Murphy, (202) 502–8755.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13567) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22099 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13563–000]

Juneau Hydropower, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On September 3, 2009, Juneau Hydropower, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Sweetheart Lake Project located on the Lower Sweetheart Lake and the Sweetheart Creek in Juneau, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit

holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new concrete and rock face dam approximately 500-feet-long and 90-feet-high at the outlet of the Lower Sweetheart Lake; (2) utilizing the existing impoundment of Lower Sweetheart Lake and raising the surface elevation to 629 feet, surface area to 1,635 acres, and storage capacity to 129,693 acre-feet; (3) a proposed 9-foot-diameter and 1,650-feet-long penstock connecting to the powerhouse; (4) a proposed powerhouse containing two new generating units having an installed capacity of 30-megawatts; (5) a proposed tailrace; (6) a proposed 138-kilovolt transmission line; and (7) appurtenant facilities. The proposed Sweetheart Lake Project would have an average annual generation of 136 gigawatt-hours.

Applicant Contact: Duff Mitchell, Business Manager, Juneau Hydropower, Inc., P.O. Box 22775, Juneau, AK 99802; phone: (907) 789–2775.

FERC Contact: Gina Krump, *Gina.Krump@ferc.gov*, (202) 502–6704.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13563) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22098 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13533–000]

Lock + TM Hydro Friends Fund XXVII, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On July 6, 2009, Lock + TM Hydro Friends Fund XXVII, LLC, filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Redd Foxx Hydroelectric Project, to be located on the Fox River, in Winnebago County, Wisconsin.

The proposed Redd Foxx Project would be located at the U.S. Army Corps of Engineers Fox River Menasha Locks Dam near Menasha, Wisconsin.

The proposed project would consist of: (1) One new underwater frame module containing nine turbines with a total installed capacity of about 4.73 megawatts which would be installed east of the dam in a conduit located adjacent to the Corps' active lock; (2) a new removable lock door; (3) a new switchyard, transformer, and control room; (4) a new 1000-foot-long, 36.7 kilovolt transmission line, which would deliver power from the turbines to an existing transformer tie-in bus located at the Corps' lock and dam facilities; and (5) appurtenant facilities. The Redd Foxx Project would have an estimated average annual generation of about 37,278 megawatts-hours, which would be sold to a local utility.

Applicant Contact: Mr. Wayne F. Krouse, Chairman & CEO, Hydro Green Energy, LLC and Managing Partner, Lock+ Hydro Friends Fund XXVII, 5090 Richmond Avenue #390, Houston, TX 77056, 877–556–6566 x709, *wayne@hgenergy.com.*

FERC Contact: John Ramer, (202) 502–8969.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13533) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22095 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13512–000]

Port Frederick Tidal Power Project; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On August 7, 2009, Alaska Power & Telephone Company filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Port Frederick Tidal Power Project (Port Frederick Project or project), which would be located on South Bight and North Bight (bays) in Port Frederick, an inlet off Icy Strait near Hoonah, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A proposed 25-foot-high, 400-foot-long earth-and-rock fill embankment closure dike across a narrow channel of South Bight; (2) a

proposed 4,500-acre-foot reservoir formed by the South Bight closure dike and having a surface area of 330 acres; (3) a proposed inlet structure on the South Bight closure dike with a hydraulic capacity of about 9,000 cubic feet per second (cfs); (4) a proposed 80-foot-high, 4,000-foot-long earth-and-rock fill embankment closure dike across North Bight; (5) a proposed 4,500-acre-foot reservoir formed by the North Bight closure dike and having a surface area of 500 acres; (6) a proposed outlet structure on North Bight closure dike with a hydraulic capacity of 8,000 cfs; (7) a proposed powerhouse with one generating unit; (8) a proposed 10-mile-long, 12.5-kilovolt transmission line connecting the powerhouse to the Inland Passage Electric Company's electrical system in Hoonah; (9) proposed construction of about 3 miles of project access roads; and (10) appurtenant facilities. The proposed project would have an installed capacity of 400 kilowatts and an estimated average annual generation of about 2,700 megawatt-hours. The proposed project would occupy about 112 acres of federal lands managed by the Tongass National Forest.

Applicant Contact: Mr. Robert S. Grimm, President, Alaska Power & Telephone Co., P.O. Box 3222, Port Townsend, WA 98368; Ph. (360) 385–1733 ext. 120.

FERC Contact: Nick Jayjack, 202–502–6073.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website 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, including a copy of the application, 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–13512) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22094 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13468–000]

Champion Ridge Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 8, 2009.

On May 20, 2009, Champion Ridge Hydro, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Champion Ridge Pumped Storage Hydroelectric Project, which would be located in Johnson County, Wyoming. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would use groundwater and would consist of the following: (1) A new upper reservoir, with a surface area of 90 acres, and a storage capacity of 6,938 acre-feet at a normal maximum surface elevation of 7,400 feet above mean sea level (msl); (2) two new earth embankment dams, 210- and 20-foot-high, 4,234- and 690-foot-long, respectively; (3) a new lower reservoir, with a surface area of 180 acres, and storage capacity of 6,552 acre-feet at a normal maximum surface elevation of 6,000 feet msl; (4) a new 160-foot-high, 2,083-foot-long earth embankment dam; (5) a new 5,658-foot-long by 23-foot-diameter steel penstock connecting to; (6) a new powerhouse containing three generating units having a total installed capacity of 700 megawatts; (7) a new 230-kilovolt, 14.4-mile-long transmission line; and (8) appurtenant facilities. The proposed project would have an average annual generation of 2,026.795 gigawatt-hours.

Applicant Contact: Brent Smith, Symbiotics, LLC, P.O. Box 535, Rigby, ID 83442; phone: (208) 745–0835.

FERC Contact: Dianne Rodman, (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*; call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, 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–13468) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22093 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13467–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2009.

On May 19, 2009, Hydrodynamics, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Bear Creek Hydroelectric Project, which would be located on Bear Creek, in Park County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or

otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new 8-foot-high, 100-foot-long concrete diversion dam; (2) a new 7-foot-wide, 30-foot-long intake extending from the right side of the dam; (3) a new 36-inch-diameter, 2.3-mile-long steel penstock; (4) a new powerhouse containing one generating unit with an installed capacity of 1.5 megawatts; (5) a new tailrace discharging flows into Bear Creek; (6) a new substation; (7) a new 69-kilovolt, 1,500-foot-long transmission line; and (8) appurtenant facilities. The proposed project would have an average annual generation of 7.0 gigawatt-hours.

Applicant Contact: Ben Singer, Project Manager, Hydrodynamics, Inc., P.O. Box 1136, Bozeman, MT 59771; *phone:* (406) 587–5086.

FERC Contact: Dianne Rodman, (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, 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–13467) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22092 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

September 4, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER09–1281–001.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits Attachment A—Distributed Load Reference Bus Revisions *etc.*
Filed Date: 09/03/2009.
Accession Number: 20090903–0205.
Comment Date: 5 p.m. Eastern Time on Thursday, September 24, 2009.

Docket Numbers: ER09–1577–001.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits Modification of Amendment No 5 to Rate Schedule No 42.
Filed Date: 09/03/2009.
Accession Number: 20090904–0058.
Comment Date: 5 p.m. Eastern Time on Thursday, September 24, 2009.

Docket Numbers: ER09–1578–001.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits Modification of Amendment No 1 to Rate Schedule No 61.
Filed Date: 09/03/2009.
Accession Number: 20090904–0059.
Comment Date: 5 p.m. Eastern Time on Thursday, September 24, 2009.

Docket Numbers: ER09–1606–001.
Applicants: Wisconsin Public Service Corporation, Interstate Power & Light Company.
Description: Interstate Power and Light Company *et al.* submit revisions to the Local Balancing Authority Area Operations Coordination Agreement.
Filed Date: 09/03/2009.
Accession Number: 20090903–0150.
Comment Date: 5 p.m. Eastern Time on Thursday, September 24, 2009.

Docket Numbers: ER09–1641–000.
Applicants: Idaho Power Company.
Description: Idaho Power Company's 2009–2010 Annual Informational filing.
Filed Date: 08/28/2009.
Accession Number: 2009–0828–5128.
Comment Date: 5 p.m. Eastern Time on Friday, September 18, 2009.

Docket Numbers: ER09–1674–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits notice of cancellation for service agreement No 277 to its Seventh Revised Volume No 11 open access transmission tariff.
Filed Date: 09/02/2009.
Accession Number: 20090903–0119.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 23, 2009.

Docket Numbers: ER09–1675–000.
Applicants: Florida Power Corporation.
Description: Florida Power Corporation submits First Revised Rate Schedule FERC No 106 agreement between Progress and Seminole Electric Cooperative, Inc for supplemental resale service.
Filed Date: 09/02/2009.
Accession Number: 20090903–0118.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 23, 2009.

Docket Numbers: ER09–1676–000.
Applicants: Southern Company Services, Inc.
Description: Southern Company Services, Inc submits Revision No 3 to Agreement for Network Integration Transmission Service for Alabama Municipal Electric Authority to the Open Access Transmission Tariff of Southern Companies.
Filed Date: 09/03/2009.
Accession Number: 20090903–0204.
Comment Date: 5 p.m. Eastern Time on Thursday, September 24, 2009.

Docket Numbers: ER09–1677–000.
Applicants: Big Sky Wind, LLC.
Description: Big Sky Wind, LLC submits petition for order accepting market based rate tariff and granting waivers and blanket approvals.
Filed Date: 09/03/2009.
Accession Number: 20090904–0060.
Comment Date: 5 p.m. Eastern Time on Thursday, September 24, 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22104 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR09–23–002]

Overland Trail Transmission, LLC; Notice of Compliance Filing

September 4, 2009.

Take notice that on August 28, 2009, Overland Trail Transmission, LLC (OTTCO) filed its Statement of Operating Conditions in compliance with the August 17, 2009 Letter Order (August 17th Letter Order) in Docket Nos. PR09–23–000 and PR09–23–001 pursuant to section 284.123(e) of the Commission's regulations. OTTCO states that it made revisions to include a statement of rates, as required by the August 17th Letter Order.

Any person desiring to participate in this proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time Friday, September 11, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22102 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13234–001]

City and Borough of Sitka; Notice of Scoping Meeting and Site Visit and Soliciting Scoping Comments for an Applicant Prepared Environmental Assessment Using the Alternative Licensing Process

September 4, 2009.

a. *Type of Application:* Alternative Licensing Process.

b. *Project No.:* 13234–001.

c. *Applicant:* City and Borough of Sitka.

d. *Name of Project:* Takatz Lake Hydroelectric Project.

e. *Location:* On the Takatz Lake and Takatz Creek, approximately 20 miles east of the City of Sitka, Alaska, on the east side of Baranof Island. The project would occupy lands of the Tongass National Forest, administered by the U.S. Forest Service.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contact:* Christopher Brewton, Utility Manager, City and Borough of Sitka, Electric Department, 105 Jarvis Street, Sitka, Alaska 99835; (907) 747–1870, e-mail: *chrisb@cityofsitka.com.*

h. *FERC Contact:* Joseph Adamson, at (202) 502–2085; or at e-mail at *joseph.adamson@ferc.gov.*

i. *Deadline for filing scoping comments:* December 8, 2009.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''e-filing'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.''

j. *The Takatz Lake project would consist of:* (1) A newly constructed concrete arch dam with a crest elevation of 1,052 feet mean sea level (msl), a spillway elevation of 1,040 feet msl, and a structural height of 200 feet; (2) a 30-foot-high secondary saddle dam; (3) an increase in the Takatz Lake impoundment with a 740-acre surface area and a 124,000 acre-feet storage capacity at spillway elevation of 1,040 feet msl; (4) an intake structure for a 2,800-foot-long, 6.5-foot by 7-foot modified unlined horseshoe tunnel, leading to a 72-inch-diameter 1,000-foot-long steel penstock; (5) a 4,000 square foot powerhouse: (6) two Francis-type generating units, having a total installed capacity of 27.6

megawatts; (7) an approximately 4-mile-long access road; (8) an approximately 21-mile-long, 115 kilovolt (kv) or 138 kv transmission line that consists of a combination of submarine, overhead, and underground segments; and (9) other appurtenant equipment.

k. *Scoping Process:* The City and Borough of Sitka (City) is using the Federal Energy Regulatory Commission's (Commission) alternative licensing process (ALP). Under the ALP, the City will prepare an Applicant Prepared Environmental Assessment (APEA) and license application for the Takatz Lake Hydroelectric Project.

Although it is our intent to prepare an EA, there is a possibility the Commission will prepare an Environmental Impact Statement (EIS) for the project. This meeting will satisfy the NEPA scoping requirements.

The purpose of this notice is to inform you of the opportunity to participate in the upcoming scoping meetings identified below, and to solicit your scoping comments.

Scoping Meetings

The City and the Commission staff will hold two scoping meetings, one in the daytime and one in the evening, to help us identify the scope of issues to be addressed in the APEA.

The daytime scoping meeting will focus on resource agency concerns, while the evening scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the environmental issues that should be analyzed in the APEA. The times and locations of these meetings are as follows:

Daytime Meeting

Wednesday, October 7, 2009, 1 p.m. (Alaska ST), U.S. Forest Service Conference Room, 5th Floor, Room 541A, Federal Building, 709 West 9th Street, Juneau, AK 99801.

Evening Meeting

Thursday, October 8, 2009, 7 p.m. (Alaska ST), Centennial Hall, Harrigan Centennial Hall, 330 Harbor Drive, Sitka, AK 99835.

To help focus discussions, Scoping Document 1 was mailed September 4, 2009, outlining the subject areas to be addressed in the APEA to the parties on the mailing list. Copies of the SD1 also will be available at the scoping meetings. SD1 is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Site Visit

The potential applicant and Commission staff will conduct a site visit of the project on Thursday, October 8, 2009, starting at 8:30 a.m. All participants should meet at City of Sitka's Electric Department at 105 Jarvis Street, Sitka, Alaska 99835. Anyone with questions about the site visit should contact Mr. Christopher Brewton of the City and Borough of Sitka at (907) 747–1870 on or before October 2, 2009.

Based on all written comments received, a Scoping Document 2 (SD2) may be issued. SD2 will include a revised list of issues, based on the scoping sessions.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the APEA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the APEA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the APEA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the City in defining and clarifying the issues to be addressed in the APEA.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22091 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–449–000]

Wyoming Interstate Company, Ltd.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Diamond Mountain Compressor Station Project, Request for Comments on Environmental Issues, and Notice of Site Visit

September 4, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an Environmental Assessment (EA) that will discuss the environmental impacts of the Diamond Mountain Compressor Station Project involving construction and operation of facilities by Wyoming Interstate Company, Ltd. (WIC) in Uintah County, Utah. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the scoping period will close on October 5, 2009.

On September 9, 2009, the Office of Energy Projects staff will conduct a site visit of WIC's Diamond Mountain Compressor Station Project in Uintah County, Utah. This site visit is being conducted to evaluate the proposed compressor station site and possible alternatives. A ground inspection will be conducted by automobile and on foot.

All interested parties are welcome, although those attending must provide their own transportation. Those interested in accompanying staff on this site visit should meet promptly at 8 a.m. (MDT) in the Best Western Dinosaur Inn lobby located at: 251 East Main Street, Vernal, Utah 84078.

For additional information, please contact the Commission's Office of External Affairs at 1–866–208–FERC.

This notice is being sent to the Commission's current environmental mailing list for the project, which includes affected landowners; Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; parties to this proceeding; and local libraries and newspapers. State and

local government representatives are asked to notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with State law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Proposed Project

WIC proposes to construct and operate the new Diamond Mountain Compressor Station in Uintah County, Utah. The compressor station would contain two site-rated 9,262-horsepower Solar Taurus 70 compressor units. The proposed facilities would provide an additional 180,000 dekatherms per day of capacity on WIC's Kanda Lateral natural gas pipeline. The proposed station site is shown on figure 1 of appendix 1.[1]

Land Requirements for Construction

The proposed compressor station would be on approximately 15.3 acres of Federal land managed by the Bureau of Land Management's (BLM) Vernal Field Office. Of the 15.3 acres, 8.2 acres of land would be permanently maintained for operation of the compressor station and an access road to enter the facility.

The EA Process

The National Environmental Policy Act requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA, we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Threatened and endangered species;
- Land use, recreational, and visual resources;
- Air quality and noise; and
- Public safety.

We will also evaluate possible alternatives to the proposed project site and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be presented in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to those on our mailing list (*see* discussion of how to remain on our mailing list on page 5). A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation discussion.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. The Vernal Field Office of the BLM has already indicated that it would like to cooperate with us in preparing the EA.

Currently Identified Environmental Issues

We have already identified issues that we think deserve attention based on our preliminary review of the project site. This preliminary list of issues may change based on your comments and our analysis.

- Potential impact on Federally and State-listed species.
- Potential impact to noise quality associated with construction and operation of the compressor station.

The proposed compressor station site lies within 2 miles of 3 sage grouse leks. Federal agencies, including the U.S. Fish and Wildlife Service (FWS), have expressed concern with this location and requested that the Commission review alternative sites that may have less of an impact on the environment. Private landowners who would be affected by any of the alternative sites have been included on our mailing list. Alternative sites are presented in figure 2 of appendix 1.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Diamond Mountain Compressor Station Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before October 5, 2009.

For your convenience, there are three methods which you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the Quick Comment feature, which is located at *http://www.ferc.gov* under the ''Documents and Filings'' link. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature under the ''Documents and Filings'' link. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on

[1] The appendices referenced in this notice are not being published in the **Federal Register**. Copies of appendices were sent to all those receiving this notice by mail and are available at *http://www.ferc.gov* at the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

''Sign up'' or ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file your comments with the Commission via mail by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

In all instances, please reference the project docket number (CP09–449–000) with your submission. Label one copy of the comments for the attention of Gas Branch 1, PJ–11.1.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who own homes within a certain distance (as defined in the Commission's regulations) of the proposed and alternative compressor station sites.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Environmental Mailing List form (appendix 2). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''eFiling'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the Internet at *http://www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, then on ''General Search'' and enter the docket number, excluding the last three digits (*i.e.,* CP09–449), in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22085 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–70–000]

Milford Wind Corridor LLC; Notice of Filing

September 4, 2009.

Take notice that on September 2, 2009, Milford Wind Corridor LLC, pursuant to section 207 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 385.207, filed a petition for declaratory order requesting confirmation of its firm rights to use the Milford Wind Project, in Milford, Utah, generator lead to interconnect the full planned capacity of the Milford Wind Project to the integrated transmission system.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 2, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22087 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–72–000]

Pacific Gas and Electric Company; Notice of Filing

September 8, 2009.

Take notice that on September 4, 2009, Pacific Gas and Electric Company (PG&E) filed a Petition for Declaratory Order, and an accompanying Declaration, requesting that the Commission declare that PG&E can recover in electric transmission rates its costs to develop a Regional Synchrophasor Project in conjunction with the Western Electricity Coordinating Council to develop wide area monitoring, advance warning systems, adaptive protection and controls in alignment with neighboring systems and the California Independent System Operator Corporation, pursuant to Rule 207(a)(2) of the Rules of Practice and Procedure of the Commission, 18 CFR 385.207(a)(2).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 5, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22088 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF09–2011–000]

Bonneville Power Administration; Notice of Filing

September 8, 2009.

Take notice that on September 4, 2009, Bonneville Power Administration (BPA) filed errata corrections to Table E of the General Rate Schedule Provisions of BPA's 2010 Wholesale Power and Transmission Rate Case filing, WP–10 Wholesale Power Rates, pursuant to the Commission's regulations, 18 CFR 300.10(h).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 15, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22086 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

September 10, 2009.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: September 17, 2009. 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

951st—Meeting

REGULAR MEETING

[September 17, 2009, 10 a.m.]

Item No.	Docket No.	Company
ADMINISTRATIVE		
A–1	AD02–1–000	Agency Administrative Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD06–3–000	Energy Market Update.

REGULAR MEETING—Continued

[September 17, 2009, 10 a.m.]

Item No.	Docket No.	Company
ELECTRIC		
E–1	RM05–5–017	Standards for Business Practices and Communication Protocols for Public Utilities.
E–2	OMITTED	
E–3	OMITTED	
E–4	RR09–4–000	North American Electric Reliability Corporation.
E–5	ER09–1192–000	Southwest Power Pool, Inc.
E–6	ER09–1247–000	California Independent System Operator Corporation.
	ER09–1247–001	
E–7	ER09–240–001	California Independent System Operator Corporation.
E–8	NJ09–3–000	Big Rivers Electric Corporation.
E–9	OMITTED	
E–10	ER09–650–001	PJM Interconnection, L.L.C.
	ER09–650–002	
E–11	ER09–497–001	PJM Interconnection, L.L.C.
E–12	ER08–1317–002	California Independent System Operator Corporation.
E–13	ER08–53–000	Termoelectrica U.S., LLC.
E–14	EL08–14–002	Black Oak Energy, L.L.C.
		EPIC Merchant Energy, L.P. and SESCO Enterprises, L.L.C. v. PJM Interconnection, L.L.C.
E–15	ER09–730–002	PJM Interconnection, L.L.C.
GAS		
G–1	RM09–21–000	Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, the Federal Power Act, and the Natural Gas Act.
G–2	RP08–479–002	Saltville Gas Storage Company, L.L.C.
	RP08–479–003	
	RP08–487–002	East Tennessee Natural Gas, LLC.
	RP08–487–003	
	RP07–139–006	Algonquin Gas Transmission, LLC.
	RP07–139–007	
HYDRO		
H–1	P–2835–031	New York State Electric & Gas Corporation.
H–2	RM09–6–001	Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands.
H–3	P–12514–029	Northern Indiana Public Service Company.
H–4	HB131–08–1–000	PPL Maine, LLC.
		PPL Great Works, LLC and Bangor Pacific Hydro Associates.
H–5	P–2630–037	PacifiCorp.
CERTIFICATES		
C–1	CP08–6–002	Midcontinent Express Pipeline LLC.
	CP09–56–000	
C–2	CP09–110–000	Mississippi Hub, LLC.
C–3	CP09–88–000	Transcontinental Gas Pipe Line Company, LLC.
C–4	CP08–96–001	Arlington Storage Company, LLC.

A free Web cast of this event is available through *http://www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *http://www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its Web cast. The Capitol Connection provides technical support for the free Web casts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22228 Filed 9–11–09; 11:15 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Western Area Power Administration

Interconnection of the Hualapai Valley Solar Project, Mohave County, AZ

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Meetings; Notice of Floodplain and Wetlands Involvement.

SUMMARY: The Western Area Power Administration (Western), an agency of the DOE, intends to prepare an environmental impact statement (EIS) on the proposed interconnection of the Hualapai Valley Solar Project (Project) in Mohave County, near Kingman, Arizona. Hualapai Valley Solar, LLC (HVS) has applied to Western to interconnect the proposed Project to Western's power transmission system. Western is issuing this notice to inform the public and interested parties about Western's intent to prepare an EIS, conduct a public scoping process, and invite the public to comment on the scope, proposed action, alternatives, and other issues to be addressed in the EIS.

This EIS will address Western's Federal action of interconnecting the proposed Project to Western's transmission system and making any necessary modification to Western facilities to accommodate the interconnection. The EIS will also review the potential environmental impacts of HVS constructing, operating, and maintaining a 340 megawatt (MW) solar-powered generating facility, consisting of a solar field, power block, thermal energy storage system, substation site, transmission line, temporary laydown areas, and other ancillary facilities.

DATES: The public scoping period begins with the publication of this notice and closes on October 23, 2009. A public scoping meeting will be held on October 1, 2009.

ADDRESSES: A public scoping meeting will be held at the Kingman High School Auditorium, 4182 Bank Street, Kingman, AZ 86409. Written comments on the scope of the EIS should be addressed to Ms. Mary Barger, National Environmental Policy Act (NEPA) Document Manager, Western Area Power Administration, Desert Southwest Region, P.O. Box 6457, 615 S. 43rd Avenue, Phoenix, AZ 85005 or *HVSolarEIS@wapa.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Mary Barger, NEPA Document Manager, Western Area Power Administration, Desert Southwest Region, P.O. Box 6457, 615 S. 43rd Avenue, Phoenix, AZ 85005, telephone (602) 605–2524, fax (602) 605–2630, or e-mail *HVSolarEIS@wapa.gov.* For general information on DOE's NEPA review procedures or status of a NEPA review, contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Western, an agency within DOE, markets Federal hydroelectric power to preference customers, as specified by law. These customers include municipalities, cooperatives, irrigation districts, Federal and State agencies, and Native American tribes. Western's service territory covers 15 western states, including Arizona. Western owns and operates more than 17,000 miles of high-voltage transmission lines.

HVS, a wholly owned subsidiary of Mohave Sun Power LLC, has applied to Western to interconnect the proposed Project to Western's transmission system. The interconnection would be facilitated with a new substation, built, owned, and operated by Western, located at one of two alternative locations: (1) The Mead-Phoenix Transmission Line; or (2) the Liberty-Mead Transmission Line. The Mead-Phoenix Transmission Line is owned by 14 participants, including Western. The Liberty-Mead Transmission Line is owned by Western. Western offers capacity to deliver electricity on its transmission system, when such capacity is available, under Western's Open Access Transmission Service Tariff.

HVS also has applied to the U.S. Department of the Interior, Bureau of Land Management (BLM) for rights-of-way to build, operate, and maintain a portion of the proposed transmission line and access roads on public lands managed by the BLM, Kingman Field Office. In order for Western to build interconnection facilities on BLM lands, Western must apply to the BLM to amend its right-of-way.

Additionally, the proposed Project is subject to State and local approvals prior to Project construction. These approvals include the following: A Certificate of Environmental Compatibility from the Arizona Corporate Commission, an Air Quality Permit for the Arizona Department of Environmental Quality, an Aquifer Protection Permit from the Arizona Department of Environmental Quality, and a General Plan amendment from Mohave County.

Project Description and Alternatives

HVS proposes to construct a 340–MW, solar-powered electrical generation facility in Mohave County, Arizona. The solar power facility would occupy about 4,160 acres. The proposed Project would be located about 27 miles north of Kingman, and 20 miles east of U.S. Highway 93. It would be constructed on BLM and private lands within the Semidesert Grassland vegetative community of the Mohave Desert.

The proposed Project would use concentrating solar power trough technology to capture the sun's heat to make steam, which would power a traditional steam turbine generator. The proposed Project would require about 2,400 acre feet of water per year. HVS expects the primary source of water would be the aquifer under the project site. HVS is also exploring an alternative water source from the new Kingman Hilltop wastewater treatment plant, which could supply up to about 1,800 acre feet of effluent and would require about 25–35 miles of underground water pipeline, depending on routing. The solar power facility would contain the power block, solar fields, thermal energy storage system, administrative, control, warehouse, and workshop buildings, storm water system, water supply and treatment systems, a wastewater system, and other supporting facilities.

Other Project components would include an electrical substation, a transmission line, and two access roads. To support delivery of the power generated by the proposed Project, HVS proposes to build a new 500-kilovolt (kV) transmission line to a new substation. The new substation would be built, owned, and operated by Western. Two locations are being considered for the substation. The applicant's preferred substation location would be about 2 miles from the solar field, adjacent to the 500-kV Mead-Phoenix Transmission Line. The alternative location is about 6 miles further north at the intersection of the Mead-Phoenix, Liberty-Mead, and Moenkopi-Eldorado transmission lines, with interconnection to the Liberty-Mead 345-kV Transmission Line. The substation would occupy about 10 to 12 acres. The length of the transmission line to the preferred substation location at the Mead-Phoenix Transmission Line location would be about 4.1 miles. The length of the transmission line to the alternative substation location at the Liberty-Mead Transmission Line location would be about 9.6 miles. The

transmission line right-of-way would be 200 feet wide.

Two access roads would be required for the proposed Project. One of the access roads would originate from Stockton Hill Road and extend approximately 3.7 miles east to the solar power facility. The other road would originate from Antares Road and extend approximately 2 miles to the preferred substation or 1 mile to the alternative substation.

Two off-site temporary laydown areas would be used during the construction phase of the Project. The laydown areas would total about 640 acres and would be used for storage and assembly of proposed Project components.

Agencies Proposed Actions and Alternatives

Western's proposed actions are to build a new substation and interconnect the proposed Project to Western's transmission system at one of the substation locations described above. BLM's proposed actions are to grant rights-of-way to HVS for the transmission line and associated access roads and any other Project components crossing Federal lands and to amend one of Western's existing rights-of-way to build a substation at one of the substation locations described above.

Western and BLM will also consider the no-action alternative in the EIS. Under the no-action alternative, Western would neither build a new substation nor interconnect the proposed Project and/or the BLM would not grant or amend rights-of-way.

Agency Responsibilities

Because interconnection of the proposed Project would incorporate a major new generation resource into Western's power transmission system, Western has determined that an EIS is required under DOE NEPA implementing procedures, 10 CFR part 1021, Subpart D, Appendix D, class of action D6.[1] Western would be the lead Federal agency for preparing the EIS, as defined at 40 CFR 1501.5. The proposed Project includes construction of facilities on lands managed by the BLM; therefore, the BLM has agreed to be a cooperating agency for preparation of the EIS. Western invites other Federal, State, local, and tribal agencies with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies on the EIS, as defined at 40 CFR 1501.6. Such agencies may also make a request to Western to be a cooperating agency by contacting Ms. Barger at the address listed above in the **ADDRESSES** section.

The proposed Project may affect floodplains or wetlands. This notice also serves as notice of proposed floodplain or wetland action, in accordance with 10 CFR part 1022.

Environmental Issues

This notice is to inform agencies and the public of Western's intent to prepare an EIS and solicit comments and suggestions for consideration in the EIS. To help the public frame its comments, the following list contains potential environmental issues preliminarily identified for analysis in the EIS:

1. Impacts on protected, threatened, endangered, or sensitive species of animals or plants;
2. impacts on migratory birds;
3. impacts from noxious weeds, invasive and non-native species;
4. impacts on recreation and transportation;
5. impacts on land use, wilderness, farmlands, and Areas of Critical Environmental Concern;
6. impacts on cultural or historic resources and tribal values;
7. impacts on human health and safety;
8. impacts on air, soil, and water resources (including air quality and surface water impacts);
9. visual impacts;
10. socio-economic impacts and disproportionately high and adverse impacts to minority and low-income populations.

This list is not intended to be all-inclusive or to imply any predetermination of impacts. Western invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS.

Public Participation

The EIS process includes a public scoping period; public review and hearings on the draft EIS; publication of a final EIS; and publication of a record of decision (ROD). The public scoping period begins with publication of this notice and closes October 23, 2009. At the conclusion of the NEPA process, Western and the BLM would each prepare a ROD. Persons interested in receiving future notices, Project information, copies of the EIS, and other information on the NEPA review process should contact Ms. Barger at the address listed above in the **ADDRESSES** section.

Western will hold a public scoping meeting on October 1, 2009, at the Kingman High School Auditorium, 4182 Bank Street, Kingman, AZ 86409. The meeting is scheduled for 6–8 p.m. with a short presentation followed by an open-house meeting, during which attendees are invited to speak one-on-one with agency and Project representatives. Attendees are welcome to come and go at their convenience throughout the meeting.

The purpose of the scoping meeting is to provide information about the proposed Project, review Project maps, answer questions, and take written comments from interested parties. All meeting locations are handicapped-accessible. Anyone needing special accommodations should contact Ms. Barger to make arrangements.

The public will have the opportunity to provide written comments at the public scoping meetings. Written comments may also be sent to Ms. Barger by fax, U.S. Postal Service mail, or e-mail. To help define the scope of the EIS, comments should be received by Western no later than October 23, 2009. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Dated: September 9, 2009.

Timothy J. Meeks,

Administrator.

[FR Doc. E9–22201 Filed 9–14–09; 8:45 am]

BILLING CODE 6450–01–P

[1] On October 4, 1999, DOE's Assistant Secretary for Environmental, Safety and Health delegated to Western's Administrator the authority to approve EISs for integrating transmission facilities with Western's transmission grid.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR09–32–000]

DCP Raptor Pipeline, LLC; Notice of Petition for Rate Approval

September 4, 2009.

Take notice that on September 1, 2009, DCP Raptor Pipeline, LLC (Raptor) filed a petition for rate approval for NGPA Section 311 maximum transportation rates, pursuant to section 284.123(b)(2) of the Commission's regulations. Raptor requests that the Commission approve a maximum firm reservation charge of $2.342 per MMBtu per month, firm commodity charge of $0.0000 per MMBtu, maximum interruptible transportation charge of

$0.0770 per MMBtu, a lost and unaccounted for charge of 2.53 percent and a fuel charge of 2.06 percent for gas transported under section 311.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern time on Friday, September 11, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22103 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13123–002—California Eagle Mountain Pumped Storage Project]

Eagle Crest Energy Company; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion In the National Register of Historic Places

September 8, 2009.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.[1] The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the California State Historic Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to the Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, *as amended,* (16 U.S.C. 470 f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Eagle Mountain Pumped Storage Project No. 13123–002.

The programmatic agreement, when executed by the Commission and the SHPO, would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to section 106 for the Eagle Mountain Pumped Storage Project would be fulfilled through the programmatic agreement, which the Commission proposes to draft in consultation with certain parties listed below. The executed programmatic agreement would be incorporated into any Order issuing a license.

For the purpose of commenting on the programmatic agreement, we propose to restrict the service list for the aforementioned project as follows:

Don Klima or Representative Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue, NW. Suite 803, Washington, DC 20004;

Stephen Lowe or Representative, Eagle Crest Energy Company, One El Paseo West Building, 74–199 El Paseo Drive, Suite 204, Palm Desert, CA 92260;

Cherilyn E. Widell, SHPO, or Representative, CA Office of Historic Preservation, 1416 9th Street, Sacramento, CA 95814;

Richard M. Milanovich, Chairman, or Representative, Agua Caliente Band of Cahuilla Indians, 5401 Dinah Shore Drive, Palm Springs, CA 92264;

Pattie Tuck, THPO, Agua Caliente Band of Cahuilla Indians, 5401 Dinah Shore Drive, Palm Springs, CA 92264;

Diana L. Chihuahua, or Representative, Torres-Martinez Desert Cahuilla Indians, P.O. Box 1160, Thermal, CA 92274;

Ron Escobar, Chemehuevi Reservation, P.O. Box 1976, Havasu Lake, CA 92363;

John Gomez, Ramona Band of Cahuilla Mission Indians, 56310 Highway 371, Suite B, Anza, CA 92539;

Robert Martin, Chairman, or Representative, Morongo Band of Mission Indians, 11581 Potrero Road, Banning, CA 92220;

Director or Representative, U.S. Bureau of Land Management, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553;

Donald H. Clarke, Law Offices of GKRSE, 1500 K Street, NW., Suite 330, Washington, DC 20005;

Michael Contreras, Jr., Morongo Band of Mission Indians, 13000 Fields Road, Banning, CA 92220;

Luther Salgado, Sr., or Representative, Cahuilla Band of Indians, P.O. Box 391741, Anza, CA 92539.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including properties of traditional religious and cultural importance to an Indian tribe. If historic properties would be identified within the motion, please use a separate page, and label it NON-PUBLIC Information.

The original and 8 copies of any such motion must be filed with Kimberly D. Bose, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426,

[1] 18 CFR 385.2010.

and must be served on each person whose name appears on the official service list. Please put the following on the first page: Eagle Mountain Pumped Storage Project No. 13123–002. Motions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22090 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR09–5–002]

Lee 8 Storage Partnership; Notice of Refund Report

September 4, 2009.

Take notice that on August 31, 2009, Lee Storage Partnership filed its Refund Report pursuant to its Stipulation and Agreement of Settlement, dated March 20, 2009 as approved by delegated letter order, dated April 7, 2009.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time Friday, September 11, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22084 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4542–013]

Boston Felt Company, Inc.; Notice of Revocation of Exemption by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

September 8, 2009.

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Revocation of exemption by implied surrender.

b. *Project No.:* 4542–013.

c. *Date Initiated:* September 4, 2009.

d. *Exemptee:* The exemptee is Bacon Felt Company, Inc.

e. *Name and Location of Project:* The constructed 150-kilowatt Boston Felt Project is located on the Salmon Falls River in Strafford County, New Hampshire.

f. *Filed Pursuant to:* 18 CFR 4.106.

g. *Exemptee Contact Information:* Mr. Howard A. Greenlaw, Bacon Felt Company, Inc., P.O. Box 6258, 31 Front Street, East Rochester, NH 03868–6258.

h. *FERC Contact:* Tom Papsidero, (202) 502–6002.

i. *Deadline for filing comments, protests, and motions to intervene:* October 8, 2009.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-filing'' link. The Commission strongly encourages electronic filings.

All documents (original and eight copies) filed by paper should be sent to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–4542–013) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

j. *Description of Existing Facilities:* The inoperative project consists of the following existing facilities: (1) A 150-foot-long and 10-foot-high wooden frame dam, which was breached by high flows which carried away a 30-foot-wide by 6-foot-deep section of the dam; (2) a forebay and trashracks; (3) a 56-inch-diameter and 7-foot-long penstock; (4) a concrete powerhouse with an installed capacity of 150 kW; (5) a 150-foot-long transmission line; and (6) other appurtenances.

k. *Description of Proceeding:* The exemptee is currently in violation of Standard Article 2 of its exemption granted on August 29, 1983 (24 FERC ¶ 62,240). 18 CFR 4.106 of the Commission's regulations provides, among other things, that the Commission reserves the right to revoke an exemption if any term or condition of the exemption is violated.

Standard Article 2 of the project exemption requires the exemptee to comply with any terms and conditions that the U.S. Fish and Wildlife Service (FWS), the National Marine Fisheries Service, and any state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act. To date, the exemptee has neither restored the project to operability nor complied with the directive of FWS to implement fish passage measures at the project.

Background

The Boston Felt Project was granted an exemption from licensing on August 29, 1983 (24 FERC ¶ 62,240). The project stopped operations in May 2006, due to a breach of the project dam by high river flows.

By letter of October 12, 2007, the Commission issued a letter to the exemptee directing it to file either a detailed plan and schedule to resume generation at the project, or a request to surrender the exemption. In response, the exemptee filed a plan and schedule on April 28, 2008.

By letter of July 3, 2008, the Commission directed the exemptee to provide quarterly progress reports of the status of project repairs to include documentation of contracts issued, permits obtained, agreements made, etc., which were to be filed October 1, 2008, January 1, 2009, April 1, 2009, July 1, 2009, and October 1, 2009, or until the project had resumed generation. In that letter, the exemptee was reminded that failure to provide progress reports showing adequate progress may subject it to further compliance action.

By letter dated January 21, 2009, the FWS stated that, as a result of the Boston Felt Project being in a state of disrepair, the project was adversely impacting fish and wildlife resources of the Salmon Falls River and cited the need to implement fish passage measures, pursuant to the mandatory terms and conditions of the exemption. In its letter, the FWS further stated that it is in the public interest to revoke the project exemption and require removal of the remaining portion of the dam spillway.

By letter of March 5, 2009, the Commission issued a letter to the exemptee requiring it to show cause why the Commission should not initiate proceedings to revoke its exemption for lack of adequate progress toward the resumption of generation at the project. In that letter, the Commission directed the exemptee to include documentation of contracts issued, permits obtained, agreements made, etc., to demonstrate adequate progress. In its response filed March 31, 2009, the exemptee stated that resumption of generation at the project may be beyond their available resources and further stated that, by August 1, 2009, it would provide the detailed information requested in the Commission's March 5, 2009.

To date, the information requested in the Commission's March 5, 2009 letter, has not been filed and the project remains inoperative.

l. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date.

m. Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number to which the filing refers.

n. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described proceeding. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22101 Filed 9–14–09; 8:45 am]

BILLING CODE 6717–01–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the October 8, 2009 regular meeting of the Farm Credit Administration Board (Board) has been rescheduled. The regular meeting of the Board will be held Thursday, October 15, 2009 starting at 9 a.m. An agenda for this meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

Dated: September 11, 2009.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. E9–22276 Filed 9–11–09; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 09–1960]

Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Mr. Douglas A. Benit from the schools and libraries universal service support mechanism (or ''-Rate Program'') for a period of three years based on his conviction of mail fraud in connection with his participation in the program. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

DATES: Debarment commences on the date Mr. Douglas A. Benit receives the debarment letter or September 15, 2009, whichever comes first, for a period of three years.

FOR FURTHER INFORMATION CONTACT: Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418–7931 or e-mail at *Rebekah.Bina@fcc.gov*. If Ms. Bina is unavailable, you may contact Michele Berlove, Acting Assistant Division Chief, Investigations and Hearings Division, by telephone at (202) 418–1420 and by e-mail at *michele.berlove@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debarred Mr. Douglas A. Benit from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.8 and 47 CFR 0.111. Attached is the debarment letter, DA 09–1960, which was mailed to Mr. Douglas A. Benit and released on September 1, 2009. The complete text of the notice of debarment is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov*. The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–

3160, facsimile (202) 488–5563, or via e-mail *http://www.bcpiweb.com*.

Hillary S. DeNigro,

Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission.

September 1, 2009

DA 09–1960

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

AND E-MAIL (*edwishnow@aol.com*) AND FACSIMILE (248) 258–6007

Mr. Douglas A. Benit
c/o Edward C. Wishnow
240 Daines
Birmingham, MI 48009

Re: Notice of Debarment, File No. EB–09–IH–0402

Dear Mr. Benit:

Pursuant to section 54.8 of the rules of the Federal Communications Commission (the ''Commission''), by this Notice of Debarment you are debarred from the schools and libraries universal service support mechanism (or ''E-Rate program'') for a period of three years.

On June 17, 2009, the Enforcement Bureau (the ''Bureau'') sent you a Notice of Suspension and Initiation of Debarment Proceedings (the ''Notice of Suspension''). That Notice of Suspension was published in the **Federal Register** on July 6, 2009. The Notice of Suspension suspended you from participating in activities associated with or relating to the schools and libraries universal service support mechanism and described the basis for initiation of debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from the earlier date of your receipt of the Notice of Suspension or publication of the Notice of Suspension in the **Federal Register**. The Commission did not receive any such opposition.

As discussed in the Notice of Suspension, the United States District Court for the Eastern District of Michigan sentenced you to serve forty-six months in prison following your guilty plea and conviction for the federal crime of mail fraud in connection with your role in a scheme to defraud the Ecorse Public Schools District (''EPS'') and the E-Rate program. While employed by EPS, you devised and participated in a fraudulent scheme to steer contracts to various companies that directly or indirectly benefited you and your companies, including contracts involving E-Rate funds. Such conduct constitutes the basis for your debarment, and your conviction falls within the categories of causes for debarment under section 54.8(c) of the Commission's rules. For the foregoing reasons, you are hereby debarred for a period of three years from the debarment date, i.e., the earlier date of your receipt of this Notice of Debarment or its publication date in the **Federal Register**. Debarment excludes you, for the debarment period, from activities associated with or related to the schools and libraries support mechanism, including the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.

Sincerely,

Hillary S. DeNigro

Chief, Investigations and Hearings Division
Enforcement Bureau

cc: Taurus N. Ziedas, United States Attorney's Office, Department of Justice (via e-mail)
Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

Attachment 1

June 17, 2009

DA 09–1345

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

AND E-MAIL (*edwishnow@aol.com*) AND FACSIMILE (248) 258–6007

Mr. Douglas A. Benit
c/o Edward C. Wishnow
240 Daines
Birmingham, MI 48009

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB–09–IH–0402

Dear Mr. Benit:

The Federal Communications Commission (''FCC'' or ''Commission'') has received notice of your conviction of mail fraud, in violation of 18 U.S.C. §§ 2, 1341, and 1346 in connection with your participation in the schools and libraries universal service support mechanism (''E-Rate program''). Consequently, pursuant to 47 C.F.R. § 54.8, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau (''Bureau'') hereby notifies you that we are commencing debarment proceedings against you.

I. Notice of Suspension

The Commission has established procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism'' from receiving the benefits associated with that program. On November 24, 2008, you, Douglas A. Benit, plead guilty to mail fraud in connection with your participation in the E-Rate program. Specifically, you were employed as a school official in the Ecorse Public Schools District (''EPS'' or ''District'') from 1997 to 2003, serving first as the Director of Facility Development and subsequently as the Assistant Superintendent. While employed at EPS, you were also an owner, employee, agent or subcontractor of Coral Technology, Inc. (''Coral''). During your tenure at EPS, you were responsible for approving the construction of new facilities in the District using funds from several sources, including the E-Rate program. You admitted that while employed at EPS and while concealing your associations with Coral from EPS, you and others devised a scheme to defraud the District and the E-Rate program by steering contracts for EPS to various companies that directly or indirectly benefited you and your companies, primarily Coral. In furtherance of the scheme, you submitted to the Universal Service Administrative Company (''USAC'') documents supporting Coral's application for federal E-Rate funding, while employed at EPS and within the scope of your official responsibilities. As a result of these contracts, which were paid in part from the E-Rate program, you and your company personally benefited from the fraudulent scheme by at least $2.276 million.

On March 31, 2009, you were sentenced to serve forty-six months in federal prison, to be followed by thirty-six months of supervised release for your role in the scheme to defraud EPS and the E-Rate program. You were also ordered to pay $1.34 million in restitution for your role in the scheme.

Pursuant to section 54.8(a)(4) of the Commission's rules, your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism. Your suspension

becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.

Suspension is immediate pending the Bureau's final debarment determination. In accordance with the Commission's debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first. Such requests, however, will not ordinarily be granted. The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances. Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.

II. Initiation of Debarment Proceedings

Your guilty plea to criminal conduct in connection with the E-Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction falls within the categories of causes for debarment defined in section 54.8(c) of the Commission's rules. Therefore, pursuant to section 54.8(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

As with your suspension, you may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**. Absent extraordinary circumstances, the Bureau will debar you. Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar. If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment. The Bureau may, if necessary to protect the public interest, extend the debarment period.

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, with a copy to Michele Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC, 20554, with a copy to Michele Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–C330, Washington, DC, 20554. You shall also transmit a copy of the response via email to *Rebekah.Bina@fcc.gov* and to *Michele.Berlove@fcc.gov*.

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418–7931 or by e-mail at *Rebekah.Bina@fcc.gov*. If Ms. Bina is unavailable, you may contact Ms. Michele Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418–1477 and by e-mail at *Michele.Berlove@fcc.gov*.

Sincerely yours,

Hillary S. DeNigro

Chief, Investigations and Hearings Division Enforcement Bureau

cc: Taurus N. Ziedas, United States Attorney's Office, Department of Justice (via e-mail)

Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

[FR Doc. E9–22029 Filed 9–14–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 30, 2009.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Douglas N. Neighbor, Kent M. Neighbor, and Gene R. Neighbor, individually to acquire, and the Neighbor Family which consists of Doug and Marva Neighbor, Marion, Iowa; Gene and Betty Jean Neighbor, Alburnett, Iowa; Kent and Irene Neighbor, Winthrop, Iowa; Sandra K. Waring, Walker, Iowa; Steven K. Neighbor; Scott M. Neighbor; Mark A. Neighbor, all of Center Point, Iowa; Eldon L. Neighbor, Central City, Iowa; Konnie I. Borrett, Marion, Iowa; Stephanie R. Neighbor, Cedar Rapids, Iowa; Brent B. Neighbor, Tijeras, New Mexico; Brad D. Neighbor, Espanola, New Mexico; Todd D. Neighbor, Marion, Iowa; Jason M. Neighbor, Alburnett, Iowa; and Michael G. Neighbor, Bettendorf, Iowa; as a group acting in concert, to retain voting shares of Neighbor Insurance Agency, Marion, Iowa, and thereby acquire, and or retain voting shares of Farmers State Bank, Marion, Iowa.

Board of Governors of the Federal Reserve System, September 10, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–22143 Filed 9–14–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 2009.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. First American Financial Management Company, Salisbury, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank of Rowan, Salisbury, North Carolina.

B. Federal Reserve Bank of Atlanta (Steve Foley, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Ladder Capital Finance Holdings LLC, and Ladder Midco LLC, both of New York, New York; to become bank holding companies by acquiring 100 percent of the voting shares of FirstCity Bank of Commerce, North Palm Beach, Florida.

Board of Governors of the Federal Reserve System, September 10, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–22142 Filed 9–14–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 p.m., Monday, September 21, 2009.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, September 11, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–22251 Filed 9–11–09; 11:15 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. General Services Administration (GSA), National Capital Region.

ACTION: Notice.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 United States Code (U.S.C.) 4321–4347; the Council on Environmental Quality Regulations (Code of Federal Regulations (CFR), Title 40, chapter V, parts 1500–1508); GSA Order PBS P 1095.1F (Environmental considerations in decision-making, dated October 19, 1999); and the GSA Public Buildings Service NEPA Desk Guide, dated October 1999, GSA plans to prepare an Environmental Impact Statement (EIS) for the amended Department of Homeland Security (DHS) Consolidation Master Plan at St. Elizabeths in Southeast Washington, DC. GSA will be initiating related consultation under Sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470(f) and 470(h–2)), for the amended Master Plan consistent with the Programmatic Agreement concluded on December 9, 2008.

FOR FURTHER INFORMATION CONTACT: Denise Decker, NEPA Lead, General Services Administration, National Capital Region, at (202) 538–5643. Also, please call this number if special assistance is needed to attend and participate in the scoping meeting.

SUPPLEMENTARY INFORMATION: The notice of intent is as follows:

Notice of Intent to prepare an Environmental Impact Statement (EIS) for the amended Department of Homeland Security (DHS) Consolidation Master Plan at St. Elizabeths in Southeast Washington, DC.

GSA intends to prepare an EIS to analyze the potential impacts resulting from the amendment of the DHS Consolidation Master Plan, which consists of the development of 750,000 gross square feet (GSF) of secure office space plus associated parking on what is known as the north parcel of the St. Elizabeths East Campus. The primary purpose of this action is to complete the consolidation of DHS mission functions comprising the Department's Headquarters offices at St. Elizabeths for a total of 4.5 million GSF of secure office and shared use space plus associated parking.

Background

DHS previously identified a need to consolidate a minimum critical mass of 4.5 million GSF of secure office space, plus parking, to meet the Department's mission requirements for its consolidated Headquarters in furtherance of developing a more cost-effective, efficient, and functional real estate portfolio in the National Capital Region. DHS' scattered current housing prevents it from accomplishing its mission. This extreme dispersion has also resulted in significant inefficiencies in daily operations, and these inefficiencies have been magnified considerably at the most important moments—when the Department must act as a nimble and integrated team responding to significant natural disasters or terrorist threats.

In response, GSA looked at alternative locations for consolidating DHS' Headquarters offices and concluded that St. Elizabeths was the most viable site for this consolidation. During consultation under Section 106 of the National Historic Preservation Act, as well as with other Federal agencies, the consolidation project was determined to be of less impact to the St. Elizabeths

National Historic Landmark if DHS' offices extended across both the West and East Campuses. St. Elizabeths was listed in the National Register on April 26, 1979, designated a National Historic Landmark on December 14, 1990, and received District of Columbia Historic District Designation in May of 2005. As part of its November 7, 2008 Final EIS, GSA considered an alternative, Alternative 5, which assessed placing development on both campuses to create a unified DHS Headquarters.

GSA issued a Record of Decision on December 16, 2008, for the project Master Plan to consolidate 3.8 million GSF of secure office and shared use space, plus parking, on the St. Elizabeths West Campus. As part of the Final EIS for this action, GSA also assessed, on a programmatic level, the impacts of constructing 750,000 GSF of office plus associated parking on the St. Elizabeths East Campus. GSA noted in its Record of Decision that an EIS tiered to the November 7, 2008 Final EIS would be prepared for the East Campus in accordance with 40 CFR 1502.20 and 1502.28. The National Capital Planning Commission approved the project Master Plan incorporating Alternative 5 on January 8, 2009.

Scoping Process

In accordance with NEPA, a scoping process will be conducted to (i) aid in determining the alternatives to be considered and the scope of issues to be addressed, and (ii) identify the significant issues related to the amended Master Plan for the DHS consolidation at St. Elizabeths. ''Scoping'' is a tool for identifying the issues that should be addressed in the EIS and Section 106 consultation process. Scoping allows the public to help define priorities and express stakeholder and community issues to the agency through oral and written comments as described in 40 CFR part 1500.1(b). Scoping will be accomplished through a public scoping meeting, direct mail correspondence to potentially interested persons, agencies, and organizations, and meeting with agencies having an interest in the amended Master Plan. It is important that Federal, regional and local agencies, and interested individuals and groups take this opportunity to identify environmental concerns that should be addressed during the preparation of the Draft EIS.

GSA is also using the NEPA scoping process to facilitate consultation with the public under Section 106 of the National Historic Preservation Act (36 CFR part 800 (Protection of Historic Properties)). GSA welcomes comments from the public to ensure that it takes into account the effects of its action on historic and cultural resources.

Public Scoping Meeting

The public scoping meeting will be held on October 8, 2009, from 6 to 8:30 p.m., at the Matthews Memorial Baptist Church, John H. Kearney, Sr. Fellowship Hall, located at 2616 Martin Luther King, Jr. Avenue, SE. in Southeast Washington, DC. The meeting will be an informal open house, where visitors may come, receive information, and give comments. GSA will publish notices in the *Washington Post, Washington Times,* and *East of the River* (Capital Community News) announcing this meeting approximately one to two weeks prior to the meeting. After scoping comments are received, GSA will prepare a scoping report, available to the public, which will summarize the comments received for incorporation into the EIS and Section 106 processes.

Written Comments

Agencies and the public are encouraged to provide written comments on the scoping issues in addition to or in lieu of giving their comments at the public scoping meeting. Written comments regarding the environmental analysis for the amended Master Plan must be postmarked no later than October 16, 2009, and sent to the following address: General Services Administration, National Capital Region, Attention: Denise Decker, NEPA Lead, 301 7th Street, SW., Room 7600, Washington, DC 20407. Fax (202) 708–7671. *denise.decker@gsa.gov.*

Dated: September 9, 2009.

Patricia T. Ralston,

Director, Portfolio Management, National Capital Region, Public Buildings Service.

[FR Doc. E9–22224 Filed 9–14–09; 8:45 am]

BILLING CODE 6820–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case.

Jennifer N. Arriaga, Universidad Central Del Caribe: Based on the findings of an investigation report by the Universidad Central Del Caribe (UCC) and additional analysis and information obtained by the Office of Research Integrity (ORI) during its oversight review, ORI found that Jennifer N. Arriaga, former Research Assistant in a clinical trial project entitled Brief Strategic Family Therapy for Adolescent Drug Abusers (BSFT) at UCC, engaged in research misconduct in research funded by National Institute on Drug Abuse (NIDA), National Institutes of Health (NIH), cooperative agreement U10 DA13720.

Specifically, ORI found that Ms. Arriaga knowingly and intentionally engaged in research misconduct by fabricating 17 interviews and falsifying 10 subject incentive receipts in the BSFT. The interview record consisted of Timeline Follow Back information, confidentiality self-report forms, and urine drug test results.

The following administrative actions have been implemented for a period of two (2) years, beginning on August 18, 2009:

(1) Ms. Arriaga is debarred from eligibility for any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States pursuant to HHS' Implementation (2 CFR part 276 *et seq.*) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (2 CFR part 180); and

(2) Ms. Arriaga is prohibited from serving in any advisory capacity to the U.S. Public Health Service (PHS), including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Director, Division of Investigative Oversight, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852. (240) 453–8800.

John Dahlberg,

Director, Division of Investigative Oversight, Office of Research Integrity.

[FR Doc. E9–22118 Filed 9–14–09; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; HIT Standards Committee; Notice and Publication of Committee Recommendations to the National Coordinator for Health Information Technology

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of committee recommendations and invitation for public input.

SUMMARY: This notice publishes recommendations made by the HIT Standards Committee (Committee) at its public meeting on August 20, 2009, and invites public input on the recommendations at the Committee's next meeting on September 15, 2009. The Committee is a Federal advisory committee to the Office of the National Coordinator for Health Information Technology (ONC).

Name of Committee: HIT Standards Committee.

General Function of the Committee: To provide recommendations to the National Coordinator on standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption, consistent with the implementation of the Federal Health IT Strategic Plan, and in accordance with policies developed by the HIT Policy Committee. Sections 3003(b)(4) and (e) of the Health Information Technology for Economic and Clinical Health (HITECH) Act requires ONC to publish the Committee's recommendations to the National Coordinator in the **Federal Register** and on ONC's Web site.

Contact Person: Judith Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202–205–4528, Fax: 202–690–6079, e-mail: *judy.sparrow@hhs.gov.*

Recommendations: During the August 20, 2009, meeting, the Committee's recommendations focused on the following areas: Clinical Quality, Clinical Operations, and Privacy and Security. All recommendations may be found at *http://HealthIT.hhs.gov/standardscommittee.* In addition, specific URLs for each recommendation have been listed below.

I. Clinical Quality

A. Background

The Clinical Quality recommendations pertain to the appropriate standardized performance measures that correspond to the HIT Policy Committee's 2011 Meaningful Use Measures. The recommendations include 30 quality performance measures and the data types required for each, of which National Quality Forum (NQF)-endorsed measures can either be retooled for use in an Electronic Health Record (EHR) or will require attestation for the foreseeable future.

B. Recommendations

http://healthit.hhs.gov/portal/server.pt/gateway/PTARGS_0_10741_880489_0_0_18/2011%20Measure%20Recommendations_Clinical%20Quality%20Workgroup_08202009.pdf.

II. Clinical Operations

A. Background

The Clinical Operations recommendations focus on standards for 2011 Meaningful Use, including quality data reporting, messaging formats, and all the vocabularies necessary for semantic interoperability.

B. Recommendations

http://healthit.hhs.gov/portal/server.pt/gateway/PTARGS_0_10741_880490_0_0_18/Ferguson_Clinical%20Operations%20WG%20Recommendations%20Revised%20Summary.pdf.

III. Privacy and Security

A. Background

The Privacy and Security recommendations focus on authentication, authorization, auditing and secure data transmission standards as well as Meaningful Use measures related to HIPAA compliance.

B. Recommendations

http://healthit.hhs.gov/portal/server.pt/gateway/PTARGS_0_10741_880497_0_0_18/PRIVACY%20AND%20SECURITY%20STANDARDS%20APPLICABLE%20TO%20ARRA%20REQUIREMENTS.pdf.

Procedure: Individuals wishing to make comments on the Committee's August 20, 2009, recommendations may present oral comments at the Committee's next meeting on September 15, 2009, from approximately 1 p.m. to 2 p.m./Eastern Time, at the Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008. Comments will be limited to two (2) minutes per person. A separate notice announcing this meeting has been published in the **Federal Register** and provides additional information.

Authority: Sections 3003(b)(4) and (e) of Health Information Technology for Economic and Clinical Health (HITECH) Act, Title XIII of Division A of the American Recovery and Reinvestment Act of 2009 (ARRA), Public Law 111–5.

Dated: September 9, 2009.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. E9–22062 Filed 9–14–09; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting. This meeting is open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meeting and/or participate in the public comment session should email *acmh@osophs.dhhs.gov.*

DATES: The meeting will be held on Tuesday, October 20, 2009 from 9 a.m. to 5 p.m. and Wednesday, October 21, 2009 from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Doubletree Hotel, 1515 Rhode Island Ave., NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Ms. Monica A. Baltimore, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–2882 Fax: 240–453–2883.

SUPPLEMENTARY INFORMATION: In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health in improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health.

Topics to be discussed during this meeting will include health care reform: social determinants that affect health in minority populations; standardized cultural competency education, training and mechanisms for evaluation; and research on health disparities and their causes, as well as other related issues.

Public attendance at the meeting is limited to space available. Individuals

who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person at least fourteen (14) business days prior to the meeting. Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to three minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least seven (7) business days prior to the meeting. Any members of the public who wish to have printed material distributed to ACMH committee members should submit their materials to the Executive Secretary, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business October 13, 2009.

Dated: August 31, 2009.

Garth Graham,

Deputy Assistant Secretary for Minority Health, Office of Minority Health, Office of Public Health and Science, Office of the Secretary, U.S. Department of Health and Human Services.

[FR Doc. E9–22078 Filed 9–14–09; 8:45 am]

BILLING CODE 4150–29–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–09–0607]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

The National Violent Death Reporting System (NVDRS)—[OMB# 0920–0607, exp.01/31/2010]—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Violence is an important public health problem. In the United States, homicide and suicide are the second and third leading causes of death, respectively, in the 1–34-year-old age group. Unfortunately, public health agencies do not know much more about the problem than the numbers and the sex, race, and age of the victims, all information obtainable from the standard death certificate. Death certificates, however, carry no information about key facts necessary for prevention such as the relationship of the victim and suspect and the circumstances of the deaths, thereby making it impossible to discern anything but the gross contours of the problem. Furthermore, death certificates are typically available 20 months after the completion of a single calendar year. Official publications of national violent death rates, e.g. those in Morbidity and Mortality Weekly Report, rarely use data that is less than two years old. Public health interventions aimed at a moving target last seen two years ago may well miss the mark.

Local and Federal criminal justice agencies such as the Federal Bureau of Investigation (FBI) provide slightly more information about homicides, but they do not routinely collect standardized data about suicides, which are in fact much more common than homicides. The FBI's Supplemental Homicide Report system (SHRs) does collect basic information about the victim-suspect relationship and circumstances, like death certificates, it does not link violent deaths that are part of one incident such as homicide-suicides. It also is a voluntary system in which some 10–20 percent of police departments nationwide do not participate. The FBI's National Incident Based Reporting System (NIBRS) addresses some of these deficiencies, but it covers less of the country than SHRs, still includes only homicides, and collects only police information. Also, the Bureau of Justice Statistics Reports do not use data that is less than two years old.

CDC therefore proposes to continue a state-based surveillance system for violent deaths that will provide more detailed and timely information. It taps into the case records held by medical examiners/coroners, police, and crime labs. Data is collected centrally by each state in the system, stripped of identifiers, and then sent to the CDC. Information is collected from these records about the characteristics of the victims and suspects, the circumstances of the deaths, and the weapons involved. States use standardized data elements and software designed by CDC. Ultimately, this information will guide states in designing programs that reduce multiple forms of violence.

Neither victim families nor suspects are contacted to collect this information. It all comes from existing records and is collected by state health department staff or their subcontractors. Health departments incur an average of 2.0 hours per death in identifying the deaths from death certificates, contacting the police and medical examiners to get copies of or to view the relevant records, abstracting all the records, various data processing tasks, various administrative tasks, data utilization, training, communications, etc. Public agencies working with NVDRS states incur an average of 0.5 hours per death to retrieve and then refile records.

This revision is a request to allow 10 new state health departments to be added to the currently funded 17 if funding becomes available. This may bring the total to 27 by the year 2012. There are no costs to respondents other than their time. The total estimated annual burden hours are 67,500.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State Health Departments	27	1,000	2.0
Public Agencies	27	1,000	30/60

Dated: September 9, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–22141 Filed 9–14–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0487]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food Safety Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 15, 2009.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0345. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3794, *JonnaLynn.Capezzuto@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Safety Survey—(OMB Control Number 0910–0345—Reinstatement)

Under section 903(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(b)(2)), FDA is authorized to conduct research relating to foods and to conduct educational and public information programs relating to the safety of the nation's food supply. The Food Safety Survey is a nationally representative survey of consumers' knowledge, attitudes, and beliefs about food safety. Previous versions of the survey were collected in 1988, 1993, 1998, 2001, and 2006. Data from the previous surveys are being used to evaluate two Healthy People 2010 objectives: (1) Increase the proportion of consumers who follow key food safety practices (Objective 10–5), and (2) reduce severe allergic reactions to food among adults (Objective 10–4b). Additionally, data are used to measure trends in consumer food safety habits including hand and cutting board washing, cooking practices, and use of food thermometers. Finally, data are used to evaluate educational messages and to inform policymakers about consumer attitudes about novel technologies such as food irradiation and biotechnology.

Since 2006, there have been several high profile recalls of FDA-regulated food due to contamination. Information about food recalls does not always reach the intended audience (Refs. 1, 2, and 3). The Food Safety Survey planned for 2009 will look specifically at reasons why consumers do not always heed food recall alerts. A new food recall module will be added that contains new questions to learn about how recent food recalls have affected consumer confidence in the food supply and what effect, if any, they have on consumers' home food safety behaviors. This information will help FDA develop strategies to more effectively communicate food recall information to the public.

The methods for the 2009 version of the Food Safety Survey will be the same as for the previous Food Safety Surveys. A nationally representative sample of 4,000 adults in households with telephones will be selected at random and interviewed by telephone. This survey will include an oversample of Hispanics with a minimum of 500 Hispanics sampled. Additionally, 200 initial nonrespondents will be asked to participate in a short version of the survey to conduct a nonresponse analysis. Participation will be voluntary. Cognitive interviews and a pretest will be conducted prior to fielding the survey.

In the **Federal Register** of September 17, 2008 (73 FR 53878), FDA published a 60-day notice requesting public comment on the proposed collection of information. The agency received one comment that was not responsive to the comment request on the information collection provisions.

FDA estimates the burden of this collection of information as follows:

The total estimated burden imposed by this collection of information is 1,541 hours (table 1 of this document).

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Cognitive Interview	20	1	20	1	20
Pretest	27	1	27	0.5	14
Screener	10,000	1	10,000	.0167	167
Survey	4,000	1	4,000	.33	1,320
Nonresponse	200	1	200	.10	20
Total					1,541

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Prior to finalizing the survey, FDA will conduct 20 cognitive interviews each requiring an average of 1 hour per respondent for a total of 20 hours. Before the survey is fielded, a small pretest of 27 individuals, each lasting half an hour (0.5 hour), will be conducted. The survey screener is estimated to take 1 minute or less per

response for a total screener burden of 4,000 (respondents) + 6,000 (ineligibles screened) x .0167 hours = 167 hours. The survey will require an average of 20 minutes (0.33 hours) per respondent and we expect that the variation in burden across respondents will be small. This estimate is based on average interview time for the 2006 Food Safety Survey. The proposed number of respondents is 4,000, each of whom will be asked to complete a one-time telephone interview that requires no preparation time. Additionally, 200 initial nonrespondents will be asked to participate in a short version of the survey to conduct a nonresponse analysis. This is expected to take 6 minutes (0.10 hours). Therefore, the total estimated public reporting burden is 1,541 hours.

We have revised the burden table. In the 60-day notice published on September 17, 2008, we estimated the total burden to be 1,421 hours. The total burden of 1,541 hours estimated in table 1 of this document includes an additional 120 hours, which resulted from correcting a typographical error in line 4 of the table. The hours per response in line 4 of table 1 changed from 0.3 to 0.33.

Dated: September 1, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–22121 Filed 9–14–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0406]

Agency Emergency Processing Under the Office of Management and Budget Review; Tobacco Product Establishment Registration and Submission of Certain Health Information; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of September 1, 2009 (74 FR 45219). The document announced the proposed collection of information concerning the submission of tobacco product establishment registration and submission of certain health information, including ingredient listing and health related documents, as required by the Family Smoking Prevention and Tobacco Control Act. The document was published with an incorrect date for submitting written or electronic comments on the proposed collection. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3794, *Jonnalynn.Capezzuto@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In FR Doc. E9–21099, appearing on page 45219, in the **Federal Register** of Tuesday, September 1, 2009, the following correction is made:

On page 45219, in the second column, in the ''**DATES**'' section, beginning in the second line, ''September 16, 2009'' is corrected to read ''October 1, 2009''.

Dated: September 8, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–22120 Filed 9–14–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Injury Prevention and Control Initial Review Group: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the National Center for Injury Prevention and Control Initial Review Group, Department of Health and Human Services, has been renewed for a 2-year period through August 20, 2011.

For information, contact Dr. Richard Waxweiler, Executive Secretary, National Center for Injury Prevention and Control Initial Review Group, Department of Health and Human Services, 1600 Clifton Road, M/S F63, Atlanta, Georgia 30341, telephone 770/488–4850, or fax 770/488–4422.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and othercommittee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 4, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–22140 Filed 9–14–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

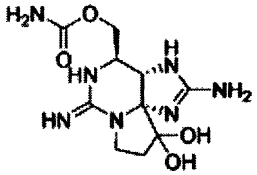
ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Purified Saxitoxin for Food Safety Applications

Description of Technology: Available for licensing as a biological material for research purposes is purified saxitoxin. Saxitoxin is the parent compound in a family of natural toxins that can occur in seafood and can cause food borne illness. Highly purified saxitoxin is vital for the development, validation, and calibration of detection methods for these toxins, as well as for fundamental studies in physiology and pain management. Interested parties may license the compound for conjugation chemistry and radiolabeling with the end goal of generating a research reagent.



Applications:

• Investigation of food borne illness.

• Monitoring of seafood for contamination.

• Detection of food poisons.

Inventor: Sherwood Hall (FDA).

Relevant Publication: EJ Schantz *et al.* Paralytic shellfish poison. VI. A procedure for the isolation and purification of the poison from toxic clam and mussel tissues. J Am Chem Soc. 1957 Oct;79(19):5230–5235, doi: 10.1021/ja01576a044.

Patent Status: HHS Reference No. E–278–2009/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for licensing.

Licensing Contact: Michael A. Shmilovich, Esq.; 301–435–5019; *shmilovm@mail.nih.gov*.

Identification of Recent HIV–I Infection by Genotypic Analysis for Treatment Strategy

Description of Technology: This invention describes a bioinformatics algorithm capable of distinguishing between recently infected and chronically infected HIV–I patients based on the genetic diversity of HIV pro-pol sequences. Directly after infection with HIV–I, genetic diversity is extremely low. Previously, single genome sequencing was used to demonstrate that HIV–I genetic diversity accumulates after infection in a linear and predictable fashion during the first 8–10 months of infection (Kearney *et al.,* 2009). Using single genome sequencing, it is possible to determine whether a person had been infected with HIV–1 in the recent past. Single genome sequencing is, however, a research technique that is relatively labor intensive and somewhat expensive, making it less feasible for routine use. The invention improves on this analysis in both ease and cost, and is capable of estimating genetic diversity using a population-based sequence that is obtained by routine, commercially available genotyping through the determination of genotype sequence ambiguity, which resulted in both sensitive and specific identification of acute versus chronic infection. The algorithm is also capable of simultaneously determining drug resistance profiles, further representing significant improvement over current antibody-based methods. Since recent data have shown that patients in the primary infection stage are estimated to be 26 times more infective than patients in the chronic stage of infection (Hollingsworth *et al.,* 2008), and epidemiological models of immediate antiretroviral therapy (ART) predict a shift from the endemic phase to the elimination phase within five years (Granich *et al.,* 2009), this invention represents a potentially valuable diagnostic tool for clinicians as well as an improvement over the current antibody-based methods of epidemiological research for determining HIV incidence.

Applications:

• HIV Diagnostics capable of distinguishing between a recent HIV infection and a chronic one. This feature will assist clinicians in the design of HIV treatment regimen and strategy.

• Analysis and prediction of patient's HIV drug resistance. Facilitating devising a treatment strategy.

• Epidemiological application due to ability of the test to report HIV incidence.

Advantages: The method offers important public health benefits with regards to HIV/AIDS as elaborated below:

• The method adds important value to conventional HIV genotyping and enhances the diagnostic usefulness of genotyping.

• The method offers an inexpensive and convenient way to distinguish recently infected from chronically infected subjects and thus provides important information regarding HIV drug management.

• The method can, simultaneously with the above, provide information regarding drug resistance mutations.

• The method is based on commercially available HIV–1 genotype sequence information and thus offers simplicity and convenience.

• The method can provide important and useful epidemiological information.

Market: A favorable market potential for the method exists, and it may in the future be routinely used in every clinical laboratory that provides genotyping services and by manufacturers and laboratories that provide tests for drug resistance patterns.

Development Status: Early stage.

Inventors: Frank Maldarelli *et al.* (NCI).

Patent Status: HHS Reference No. E–238–2009/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for licensing.

Licensing Contacts: Uri Reichman, PhD, MBA, 301–435–4616, *UR7a@nih.gov*; John Stansberry, PhD, 301–435–5236, *js852e@nih.gov*.

Collaborative Research Opportunity: The NCI HIV Drug Resistance Program, Host Virus Interaction Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: September 9, 2009.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E9–22223 Filed 9–14–09; 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 Tachycardias and Arrhythmias.

Date: September 22, 2009.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Olga A. Tjurmina, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814 Bethesda, MD 20892. (301) 451–1375. *ot3d@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 Nucleosome Structure—Function.

Date: September 30–October 1, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Mark Hopkins Hotel, One Nob Hill, San Francisco, CA 94108.

Contact Person: Richard A. Currie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1108, MSC 7890 Bethesda, MD 20892. (301) 435–1219. *currieri@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group Ethical, Legal, and Social Implications of Human Genetics Study Section.

Date: September 30, 2009.

Time: 11 a.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: Cheryl M. Corsaro, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890 Bethesda, MD 20892. (301) 435–1045. *corsaroc@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22006 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The 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 Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: October 7–8, 2009.

Open: October 7, 2009, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Closed: October 7, 2009, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Closed: October 8, 2009, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Dan E. Matsumoto, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *matsumotod@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: October 13–15, 2009.

Open: October 13, 2009, 5 p.m. to 5:30 p.m.

Agenda: To review procedures and discuss policy.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 13, 2009, 5:30 p.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 14, 2009, 8 p.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.

Closed: October 15, 2009, 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: John F. Connaughton, PhD, Chief, Chartered Committees Section, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: October 21–22, 2009.

Open: October 21, 2009, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 21, 2009, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 22, 2009, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 754, 6707 Democracy Boulevard, 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, National Institutes of Health, HHS)

Dated: September 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22007 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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 on Deafness and

Other Communication Disorders, 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, NIDCD.

Date: October 30, 2009.

Open: 7:30 a.m. to 8 a.m.

Agenda: Reports from Institute staff.

Place: National Institutes of Health, 5 Research Court, Rockville, MD 20852.

Closed: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 5 Research Court, Rockville, MD 20852.

Contact Person: Andrew J. Griffith, PhD, MD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 1A13, Rockville, MD 20850. 301–496–1960. *griffita@nidcd.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22009 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 Drug Abuse Special Emphasis Panel; NIDA–F Special Emphasis Panel.

Date: October 7, 2009.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: The Madison Hotel, 1177 15th St. NW., Washington, DC 20005.

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401, 301–402–6626, *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Initial Review Group; Medication Development Research Subcommittee.

Date: October 16, 2009.

Time: 8:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Sofitel Hotel Lafayette Square, 806 15th St. NW., Washington, DC 20005.

Contact Person: Jose F. Ruiz, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6101 Executive Blvd., Rm. 213, MSC 8401, Bethesda, MD 20892, 301–451–3086, *ruizjf@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA–L Conflicts.

Date: October 16, 2009.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Sofitel Hotel Lafayette Square, 806 15th Street NW., Washington, DC 20005.

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd. Bethesda, MD 20892–8401, 301–402–6626, *gm145a@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22010 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

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 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 Mental Health Special Emphasis Panel; NIMH COR Honors Undergraduate Research Training.

Date: October 9, 2009.

Time: 11 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca C. Steiner, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@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: September 9, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22219 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. 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 on Aging Initial Review Group; Neuroscience of Aging Review Committee.

Date: October 8–9, 2009.

Time: 4 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: William Cruce, PhD, Scientific Review Administrator, National Institute on Aging, Scientific Review Office, Gateway Building 2c–212, 7201 Wisconsin Ave., Bethesda, MD 20814, 301–402–7704, *crucew@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 9, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22216 Filed 9–14–09; 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; Fellowships in Digestive Diseases and Nutrition.

Date: October 15, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 1250 22nd Street NW., Washington, DC 20037.

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.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Kidney Disease Genetics Ancillary Studies.

Date: November 24, 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: Atul Sahai, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov.*

(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: September 9, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22214 Filed 9–14–09; 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; Diabetes, Endocrinology and Metabolic Diseases Fellowships.

Date: October 14–15, 2009.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Courtyard Gaithersburg Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878.

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 R13 Conference Applications.

Date: October 19, 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; Diabetes Research Centers (P30 and P60).

Date: November 4, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: 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.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Bone Morphogenesis Program Project.

Date: November 10, 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: Atul Sahai, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; HNF4 and Type II Diabetes Seed Grant.

Date: November 17, 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: Atul Sahai, PhD., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov.*

(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: September 9, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22213 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Annual Estimates of Influenza Vaccine Effectiveness for Preventing Laboratory Confirmed Influenza in the United States, Funding Opportunity Announcement (FOA) IP08–00101SUPP10, 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: 10 a.m.–11 a.m., September 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 ''Annual Estimates of Influenza Vaccine Effectiveness for Preventing Laboratory Confirmed Influenza in the United States, FOA IP08–00101SUPP10.''

Contact Person for More Information: Gregory Anderson, M.P.H., M.S., CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, GA 30333, *Telephone:* (404) 498–2275.

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: September 4, 2009.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–22154 Filed 9–14–09; 8:45 am]

BILLING CODE 4163–18–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; HESC Challenge Grant Review.

Date: September 24–25, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.

Contact Person: Sherry L. Dupere, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7843, Bethesda, MD 20892, (301) 435–1021, *duperes@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: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Surgery, Anesthesiology and Trauma Study Section.

Date: September 30–October 1, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Weihua Luo, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170, *luow@csr.nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Hematology.

Date: September 30, 2009.

Time: 1 p.m. to 3 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: Ai-Ping Zou, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Biomarkers Study Section.

Date: October 1–2, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Avenue Hotel Chicago, 160 E. Huron Street, Chicago, IL 60611.

Contact Person: Lawrence Ka-Yun Ng, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov.*

Name of Committee: Oncology 1–Basic Translational Integrated Review Group; Molecular Oncogenesis Study Section.

Date: October 1–2, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Avenue Hotel Chicago, 160 E. Huron Street, Chicago, IL 60611.

Contact Person: Nywana Sizemore, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892, 301–435–1718, *sizemoren@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Chemo/Dietary Prevention Study Section.

Date: October 1–2, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Sally A. Mulhern, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–5877, *mulherns@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Social Sciences and Population Studies Study Section.

Date: October 1, 2009.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Amalfi Hotel, 20 West Kinzie Street, Chicago, IL 60654.

Contact Person: Bob Weller, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0694, *wellerr@csr.nih.gov*.

Name of Committee: Biology of Development and Aging Integrated Review Group; Development—2 Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.
Contact Person: Neelakanta Ravindranath, PhD, MVSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7843, Bethesda, MD 20892, 301–435–1034, *ravindrn@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroplasticity and Neurotransmitters Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Washington D.C. Downtown, 1201 K Street, NW., Washington, DC 20005.
Contact Person: Suzan Nadi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Hypersensitivity, Autoimmune, and Immune-mediated Diseases Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: Bahiru Gametchu, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1225, *gametchb@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function B Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Arnold Revzin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7824, Bethesda, MD 20892, (301) 435–1153, *revzina@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Bioengineering.
Date: October 1–2, 2009.
Time: 8 a.m. to 11 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: James J. Li, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–435–2417, *lijames@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business.
Date: October 1, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Bill Bunnag, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, (301) 435–1177, *bunnagb@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: Boris P. Sokolov, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–435–1197, *bsokolov@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: The Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.
Contact Person: Jin Huang, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Modeling and Analysis of Biological Systems Study Section.
Date: October 1–2, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.
Contact Person: Malgorzata Klosek, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, (301) 435–2211, *klosekm@mail.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.
Date: October 1, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.
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: Population Sciences and Epidemiology Integrated Review Group; Infectious Diseases, Reproductive Health, Asthma and Pulmonary Conditions Study Section IRAP.
Date: October 1–2, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard By Marriott, 1000 Aliceanna Street, Baltimore, MD 21202.
Contact Person: Jose Fernando Arena, PhD, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–435–1735, *arenaj@mail.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Immunity and Host Defense Study Section.
Date: October 1–2, 2009.
Time: 8:30 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: The Hotel Lombardy, 2019 Pennsylvania Avenue, NW., Washington, DC 20006.
Contact Person: Patrick K. Lai, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Enabling Bioanalytical and Biophysical Technologies Study Section.
Date: October 1–2, 2009.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Carlyle Suites Hotel, 1731 New Hampshire Avenue, NW., Washington, DC 20009.
Contact Person: Vonda K. Smith, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7806, Bethesda, MD 20892, 301–435–1789, *smithvo@csr.nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Cognition and Perception Study Section.
Date: October 1–2, 2009.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.
Contact Person: Cheri Wiggs, PhD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261, *wiggsc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; NMB Revisions.

Date: October 1, 2009.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.

Contact Person: Edwin C. Clayton, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5095C, MSC 7844, Bethesda, MD 20892, (301) 402–1304, *claytone@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Biostatistical Methods and Research Design Study Section.

Date: October 2, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Amalfi Hotel, 20 West Kinzie Street, Chicago, IL 60654.

Contact Person: Denise Wiesch, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

Date: October 2, 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: Michael Micklin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892, (301) 435–1258, *micklinm@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Intercellular Interactions Study Section.

Date: October 2, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Legacy Hotel, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: David Balasundaram, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Competitive Revisions; Clinical Neuroscience and Disease.

Date: October 2, 2009.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel at the Chevy Chase Pavilion, 4300 Military Road, Washington, DC 20015.

Contact Person: Seetha Bhagavan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1126, MSC 7846, Bethesda, MD 20892, (301) 435–1121, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pregnancy and Neonatology/PN ARRA CR.

Date: October 2, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Harbor Court Baltimore, 550 Light Street, Baltimore, MD 21202.

Contact Person: Michael Knecht, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046, *knechtm@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 2, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22011 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel T32 SEP Review.

Date: October 5, 2009.

Time: 5 p.m. to 7 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: Robert Bird, PhD, Chief, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892–8328, 301–496–7978, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, NCI Discovery and Development.

Date: October 6–7, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville, Hotel & Executive Meeting Center, 1750 Rockville Pike, Hollow Square, Rockville, MD.

Contact Person: Peter J. Wirth, PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8131, Bethesda, MD 20892–8328, 301–496–7565, *pw2q@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Innovative Technology Development for Cancer Research (R21).

Date: October 14, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jeffrey E. DeClue, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8059, Bethesda, MD 20892–8329, 301–496–7904, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Clinical Studies.

Date: October 14–15, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Majed M. Hamawy, M.B.A., PhD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8135, Bethesda, MD 20852, 301–594–5659, *mh101v@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Molecular Oncology—Basic, Translational and Clinical Studies.

Date: October 19–20, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville, Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Michael B. Small, PhD, Scientific Review Officer, Division of

Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Room 8127, Bethesda, MD 20892–8328, 301–402–0996, *smallm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22014 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Small Research Grants Review.

Date: September 23, 2009.

Time: 10 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Michael L. Bloom, PhD, MBA, Scientific Review Officer, National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd; Room 820, MSC 4872, Bethesda, MD 20892–4872, 301–594–4953, *Michael_Bloom@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 9. 2009.

Jennifer Spaeth.

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22227 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, September 11, 2009, 11 a.m. to September 11, 2009, 12 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on August 31, 2009, 74 FR 44859.

The meeting will be held September 14, 2009, from 1:30 p.m. to 3 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22015 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee H—Clinical Groups

Date: October 5–6, 2009.

Time: 8 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Timothy C. Meeker, MD, PhD, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8103, Bethesda, MD 20892, (301) 594–1279, *meekert@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22017 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cellular and Tissue Oncology.

Date: October 6–7, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Shakeel Ahmad, PhD, Scientific Review Officer, Research Programs

Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8139, Bethesda, MD 20892–8328, (301) 594–0114, *ahmads@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Integrative Cancer Biology Program and Center for Cancer Systems Biology.

Date: November 11–13, 2009.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Sherwood Githens, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd. Room 8053, Bethesda, MD 20892, 301/435–1822, *githenss@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22018 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: October 20, 2009.

Open: 8 a.m. to 12 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Stephen C. Mockrin, PhD, Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892. (301) 435–0260. *mockrins@nhlbi.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institutes/Centers home page: *http://www.nhlbi.nih.gov/meetings/index.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22003 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NHLBI.

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 Heart, Lung, and Blood Institute, 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, NHLBI.

Date: October 19, 2009.

Time: 9 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Robert S Balaban, PhD, Scientific Director, Division of Intramural Research, National Institutes of Health, NHLBI, Building 10, CRC, 4th Floor, Room 1581, 10 Center Drive, Bethesda, MD 20892, 301/496–2116.

Information is also available on the Institutes/Centers home page: *http://www.nhlbi.nih.gov/meetings/index.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22005 Filed 9–14–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Delegation of Authority

Notice is hereby given that I have delegated to the Administrator, Health Resources and Services Administration (HRSA), authorities vested in the Secretary under Title III, Part B, Section 313 of the Public Health Service Act (42 U.S.C. 245), as amended, as they pertain to the functions assigned to HRSA.

These authorities may be redelegated.

This delegation excludes the authority to issue regulations, to establish advisory councils and committees, and appoint their members, and to submit reports to Congress, and shall be exercised in accordance with the Department's applicable policies, procedures and guidelines.

In addition, I have affirmed and ratified any actions taken by the Administrator, or other HRSA officials, which involved the exercise of these authorities prior to the effective date of this delegation.

This delegation is effective upon date of signature.

Dated: September 8, 2009.

Kathleen Sebelius,

Secretary.

[FR Doc. E9–22203 Filed 9–14–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2009–0116]

Homeland Security Advisory Council

AGENCY: The Office of Policy, DHS.

ACTION: Notice of Open Teleconference Federal Advisory Committee Meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC) will meet via teleconference for the purpose of reviewing the findings and recommendations of the HSAC's Southwest Border Task Force.

DATES: The HSAC conference call will take place from 4 p.m. to 5 p.m. EST on Wednesday, September 30, 2009. Please be advised that the meeting is scheduled for one hour and all participating members of the public should promptly call-in at the beginning of the teleconference.

ADDRESSES: The HSAC meeting will be held via teleconference. Members of the public interested in participating in this teleconference meeting may do so by following the process outlined below (see ''Public Attendance'').

Written comments must be submitted and received by September 25, 2009. Comments must be identified by DHS–2009–0116 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: HSAC@dhs.gov.* Include docket number in the subject line of the message.
- *Fax:* (202) 282–9207
- *Mail:* Homeland Security Advisory Council, Department of Homeland Security, Mailstop 0850, 245 Murray Lane, SW, Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and DHS–2009—0116, the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the DHS Homeland Security Advisory Council, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: HSAC Staff at *hsac@dhs.gov* or 202–447–3135.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. The HSAC provides independent advice to the Secretary of the Department of Homeland Security to aid in the creation and implementation of critical and actionable policies and capabilities across the spectrum of homeland security operations. The HSAC periodically reports, as requested, to the Secretary, on such matters. The Federal Advisory Committee Act requires Federal Register publication 15 days prior to a meeting. The HSAC will meet to review the Homeland Security Advisory System Task Force findings and recommendations.

Public Participation: Members of the public may register to participate in this HSAC teleconference via aforementioned procedures. Each individual must provide his or her full legal name, email address and phone number no later than 5 p.m. EST on September 28, 2009, to a staff member of the HSAC via e-mail at *HSAC@dhs.gov* or via phone at (202) 447–3135. HSAC conference call details will be provided to interested members of the public at this time.

Information on Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the HSAC as soon as possible.

Dated: September 9th, 2009.

Becca Sharp,

Executive Director, Homeland Security Advisory Council, DHS.

[FR Doc. E9–22197 Filed 9–14–09; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2009–0115]

DHS Workforce Diversity

AGENCY: Office of the Chief Human Capital Officer, DHS.

ACTION: Notice of meeting and request for public comment.

SUMMARY: On September 16, 2009, the Department of Homeland Security (DHS), Office of the Chief Human Capital Officer will host a DHS Workforce Diversity informational meeting to discuss ways to enhance diversity within the DHS workforce and, in particular, among the Department's senior leadership ranks. The purpose of this meeting is to provide stakeholders from the diversity community with an overview of DHS diversity policy, initiatives, and planning. The meeting, which will also be attended by representatives from the DHS Office for Civil Rights and Civil Liberties, DHS component representatives and members of the diversity community, is strictly informational and it is not meant to result in advice or recommendations to the Department.

In addition to the meeting, DHS is opening a public docket at *http://www.regulations.gov,* docket no. DHS–2009–0115, to receive public comments and related material regarding DHS workplace diversity and, in particular, ways to enhance diversity in DHS senior leadership positions.

DATES: Comments and related material submitted electronically must be submitted to the Federal eRulemaking Portal *http://www.regulations.gov* on or before October 30, 2009. Comments and related material submitted by facsimile or mail must reach the Department of Homeland Security, Office of the Chief Human Capital Officer, Diversity Program Manager at the address shown below on or before October 30, 2009.

ADDRESSES: You may submit comments and related material identified by DHS docket number DHS–2009–0115, using any one of the following methods:

(1) Via the Internet at Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments and use docket number DHS–2009–0115.

(2) Via facsimile to Office of the Chief Human Capital Officer, DHS Diversity Program Manager, ATTN: Ms. Patricia Trujillo, at 202–357–8140. Please limit any facsimile submissions to 20 pages.

(3) By mail to the Department of Homeland Security, Office of the Chief Human Capital Officer, DHS Diversity Program Manager, ATTN: Ms. Patricia Trujillo, Department of Homeland Security, USM/CHCO Mail Stop 0170, Diversity Program Manager, 245 Murray Lane, SW., Washington, DC 20528–0170.

Please use only one of these three methods to prevent duplication. All comments and related material received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice please contact DHS Diversity Program Manager, Ms. Patricia Trujillo at 202–357–8228, facsimile 202–357–8140, or via mail to Department of Homeland Security, USM/CHCO Mail Stop 0170, Diversity Program Manager, 245 Murray Lane, SW., Washington, DC 20528–0170.

SUPPLEMENTARY INFORMATION:

Background and Purpose: The Department of Homeland Security protects the nation from terrorist attacks, responds to natural disasters and secures the borders against unlawful entry, drug trafficking and other illegal activities. DHS believes that a diverse workforce, led by a diverse cadre of senior executives, is key to successfully completing these important missions. DHS is committed to making the vision of a diverse workforce in DHS a reality. DHS is asking for public comments that address ways to enhance diversity in DHS senior leadership ranks and other positions. As part of carrying out this commitment, DHS has invited over fifty organizations from the diversity community to participate in a half-day forum to discuss ways to enhance diversity among the Department's senior leadership ranks, while seeking input regarding ways to improve the diversity of the DHS workforce at all levels.

Procedural: Due to space and other facility constraints, the DHS Workforce Diversity meeting is by invitation only and is not open to the public at large. DHS is, however, highly interested in receiving comments and related materials from those not able to attend the meeting, and is opening a public docket at DHS–2009–0115 to permit the public to post comments and related material for DHS review. DHS will not record comments made at the DHS Workforce Diversity meeting, but will post a summary of those comments to the Federal eRulemaking docket for public review.

This notice is issued under authority of 5 U.S.C. 552.

Jeffrey Neal,

Chief Human Capital Officer,

Department of Homeland Security.

[FR Doc. E9–22199 Filed 9–14–09; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1857–DR; Docket ID FEMA–2008–0018]

New York; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–1857–DR), dated September 1, 2009, and related determinations.

DATES: *Effective Date:* September 4, 2009.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include Individual Assistance for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 1, 2009.

Cattaraugus, Chautauqua, and Erie Counties for Individual Assistance (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. E9–22110 Filed 9–14–09; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–18]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Community Development Technical Assistance (CD–TA) Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: Through this notice, HUD announces the availability on its website of the application information, submission deadlines, funding criteria, and other requirements for the FY2009 Community Development Technical Assistance (CD–TA) Program NOFA. The FY2009 CD–TA NOFA makes $23.8 million available to provide technical assistance to achieve the highest level of performance and results for five separate community development areas. These areas are the Home Program (HOME), Home Investment Partnerships for Community Housing Development Organizations (CHDO, HOME), McKinney-Vento Homeless Assistance (Homeless), Housing Opportunities for Persons with AIDS (HOPWA) and Community Development Block Grants (CDBG). The notice providing information regarding the application process, funding criteria and eligibility requirements is available on the Grants.gov website at *https://apply07.grants.gov/apply/forms_apps_idx.html.* A link to Grants.gov is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) numbers for the CD–TA program are: 14.239 HOME and CHDO (HOME), 14.235 Homeless. 14.241 HOPWA, 14.218 CDBG Entitlement Grants, 14.219 CDBG States

and Small Cities Program, 14.227 CDBG/Technical Assistance Program (B), 14.225 CDBG Insular Program, and 14.248 CDBG Section 108. Applications must be submitted electronically through Grants.gov.

FOR FURTHER INFORMATION CONTACT: For information concerning the CD–TA program, contact Guadelupe M. Herrera, Deputy Director, Office of Technical Assistance and Management, Office of Community Planning and Development, telephone number 202–708–4604 (this is not a toll-free numbers), Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7228, Washington DC 20410–7000. Persons with speech or hearing impairments may access these telephone numbers via TTY by calling the toll-free Federal Information Relay Service during working hours at 800–877–8339.

Dated: August 31, 2009.

Mercedes Márquez,

Assistant Secretary for Community Planning and Development.

[FR Doc. E9–22253 Filed 9–11–09; 11:15 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14877–B2, F–14935–B2; LLAK964000–L14100000–KC0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving the surface estate in certain lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to NANA Regional Corporation, Inc., Successor in Interest to Koovukmeut, Inc. and Isingnakmeut, Inc. The lands are in the vicinity of Kobuk and Shungnak, Alaska, and are located in:

Kateel River Meridian, Alaska

T. 18 N., R. 17 E.,
Secs. 6 and 7.
Containing approximately 1,230 acres.

T. 20 N., R. 8 E.,
Secs. 23 to 28, inclusive;
Secs. 32 to 36, inclusive.
Containing approximately 6,905 acres.

T. 20 N., R. 9 E.,
Secs. 13 and 14;
Secs. 19 to 24, inclusive;
Secs. 30 and 31.
Containing approximately 6,034 acres.
Aggregating approximately 14,170 acres.

The subsurface estate in these lands will be conveyed to NANA Regional Corporation, Inc. when the surface estate is conveyed to Koovukmeut Incorporated or Isingnakmeut Incorporated. Notice of the decision will also be published four times in the Fairbanks Daily News-Miner.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until October 15, 2009 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Hillary Woods,

Land Law Examiner, Land Transfer Adjudication I Branch.

[FR Doc. E9–22168 Filed 9–14–09; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item: U.S. Department of the Interior, National Park Service, Tumacacori National Historical Park, Tumacacori, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item in the possession of the U.S. Department of the Interior, National Park Service, Tumacacori National Historical Park, Tumacacori, AZ, that meets the definition of ''sacred objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the superintendent, Tumacacori National Historical Park.

At an unknown date and under unknown circumstances, a buckskin object was acquired by Tumacacori National Historical Park. Originally identified as a buckskin ''shield'', the item was described as ''possibly a removable cover for a raw hide shield. Feathers are eagle and red-tail hawk, attached to the black satin ribbon sewn to upper third perimeter, hanging streamer on both sides. Buckskin is painted in yellow, black, blue, on both sides. Buckskin around frame sewn w/ buckskin, feathers also sewn with buckskin. Other sewing w/ heavy commercial thread.''

Consultation between Tumacacori National Historical Park and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, indicates that the object is not a shield, but rather a sacred object that is used in traditional prayer ceremonies. The design and style of manufacture indicate the object is Mescalero Apache in origin. Such an object would be manufactured for a specific ceremony, which usually is held annually. Typically four such objects were manufactured at the same time and, as part of a prayer or blessing ceremony, placed outside in the four directional corners of an area that would be a homeland to a group of Mescalero Apaches.

Officials of Tumacacori National Historical Park have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of Tumacacori National Historical Park also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred object should contact Lisa Carrico, superintendent, Tumacacori National Historical Park, P.O. Box 8067, Tumacacori, AZ 85648, telephone (520) 398–2341 Ext. 52, before October 15, 2009. Repatriation of

the sacred object to the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico may proceed after that date if no additional claimants come forward.

Tumacacori National Historical Park is responsible for notifying the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico that this notice has been published.

Dated: July 22, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22222 Filed 9–14–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: Department of Natural Resources, Des Moines, IA and Office of the State Archaeologist, Iowa City, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the control of the Department of Natural Resources, Des Moines, IA, and in the physical custody of the Office of the State Archaeologist, Iowa City, IA, that meet the definition of ''unassociated funerary objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

On an unknown date, an unknown individual recovered cultural items from along the Columbia River in the state of Washington. On an unknown date, an unknown individual gave these artifacts to Paul Sagers, Maquoketa, IA. In 1988, the Sagers Collection was donated to the Iowa Department of Natural Resources. In late 2008, the Sagers Collection was transferred to the Iowa Office of the State Archaeologist for curation. The 178 cultural items are 14 small projectile points, 2 rolled metal beads, 2 flat shell beads, and approximately 160 small glass beads.

A small glass covered case displaying artifacts from the state of Washington was found in the Sagers Collection. In the case, there was a small hand-written note that stated the following ''from Columbia River Village Site Wash. Roy Pitkin.'' ''F BAR'' was written on the backside of the note. The minimal information included with these cultural items suggested they had been recovered from a village site in Washington State. Contacts with officials in Washington determined there are sites along the Columbia River known as Fountain Bar or Franklin Bar, and the cultural items may have come from one of those sites. No information on Roy Pitkin could be found.

Consultation and information sharing occurred with the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group. Based on the type and style of artifacts, the tribes believe the items may have come from a burial context. They consider the objects as typical of the type of funerary objects recovered from burials located along the Columbia River. The tribes have been involved in several joint repatriations that have included similar objects. Although museum records do not state that the objects were removed from a burial context, based on consultation, museum records on geographical location, and the similarity of the objects to other funerary objects, the officials of the Iowa Department of Natural Resources and Iowa Office of the State Archaeologist reasonably believe that the 178 cultural items are unassociated funerary objects.

Officials of the Iowa Department of Natural Resources and the Iowa Office of the State Archaeologist have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 178 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Iowa Department of Natural Resources and the Iowa Office of the State Archaeologist also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Shirley Schermer, Director, Burials Program, Office of the State Archaeologist, 700 Clinton St. Building, University of Iowa, Iowa City, IA 52242, telephone (319) 384–0740, before October 15, 2009. Repatriation of the unassociated funerary objects to the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group may proceed after that date if no additional claimants come forward.

The Iowa Department of Natural Resources and the Iowa Office of the State Archaeologist are responsible for notifying the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group, that this notice has been published.

Dated: July 20, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22212 Filed 9–14–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: New York University College of Dentistry, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the New York University College of Dentistry, New York, NY. The human remains

were removed from Santa Barbara County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by New York University College of Dentistry professional staff in consultation with representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

At an unknown date, human remains representing a minimum of one individual were removed from the Burton Mound, Santa Barbara County, CA, by an unknown individual. In 1924, the human remains were acquired by Frederick Hodge, and he donated the human remains to the Museum of the American Indian, Heye Foundation that same year. In 1956, the human remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individual was identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin as the Burton Mound, Santa Barbara, CA. The morphology of the human remains is consistent with Native American ancestry. Burton Mound was located at the Chumash village of Syujtun at the time of Spanish contact, in 1542. The inhabitants of the village were identified as Barbareno Chumash. Use of the mound stopped in the early 19th century and the Spanish settled in the area. Artifacts found in the mound suggest that it dates to the Prehistoric and Protohistoric phases of the Late Horizon.

In 1919, human remains representing a minimum of 71 individuals were removed from San Miguel Island, Santa Barbara County, CA, by Ralph Glidden, as part of a Museum of the American Indian, Heye Foundation expedition. In 1956, the human remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individuals were identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin as San Miguel Island, CA, but do not list a specific site or sites from which the human remains were removed. The morphology of the human remains is consistent with Native American ancestry. San Miguel Island has a long occupation history with strong evidence for group continuity over millennia. The island was vacated by the 19th century, as the remaining residents were relocated to Spanish missions on the mainland. The inhabitants of the island were identified as Island Chumash speakers.

At an unknown date, human remains representing a minimum of one individual were removed from Santa Cruz Island, Santa Barbara County, CA, during the DeMoss Bowers expedition. In 1915, the human remains were donated to the Museum of the American Indian, Heye Foundation. In 1956, the human remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individual was identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin as Santa Cruz Island, CA, but do not list a specific site from which the human remains were removed. The morphology of the human remains is consistent with Native American ancestry. Santa Cruz Island has a long occupation history with strong evidence for group continuity over millennia. The island was vacated by the 19th century, as the remaining residents were relocated to Spanish missions on the mainland. The inhabitants of the island were identified as Island Chumash speakers.

At an unknown date, human remains representing a minimum of nine individuals were removed from Santa Cruz Island, Santa Barbara County, CA, by an unknown individual. The human remains were in the collection of Louis Dreyfus when it was purchased by the Museum of the American Indian, Heye Foundation in 1917. In 1956, the human remains were transferred to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individuals were identified. No associated funerary objects are present.

Museum of the American Indian records list the locality of origin as Santa Cruz Island, CA, but do not list a specific site or sites from which the human remains were removed. The morphology of the human remains is consistent with Native American ancestry. Santa Cruz Island has a long occupation history, with strong evidence for group continuity over millennia. The island was vacated by the 19th century, as the remaining residents were relocated to Spanish missions on the mainland. Inhabitants of the island were identified as Island Chumash speakers.

Consultation, historical, and archeological evidence indicate that Santa Barbara, San Miguel Island, and Santa Cruz Island are part of the traditional territory of the Chumash. Tribal representatives identify the Northern Channel Islands and the mainland along the Santa Barbara Channel, as the traditional territory of the Chumash tribes. On the mainland, archeological data from the early historic sites shows strong continuity with Protohistoric and Late Horizon material. On the islands, there is archeological evidence of continuous occupation by the same group of people for at least 4,000 years.

The first historic records of the Chumash villages in the Santa Barbara area date to 1542. By 1805, the Chumash remaining in the area were relocated onto five missions in the vicinity of Santa Barbara and Ventura, on the mainland of California. The missions were secularized and largely abandoned by the Chumash in 1832. In 1855, the Santa Ynez Reservation was created for the Chumash, and the Santa Ynez Band of Chumash was recognized in 1901.

Officials of New York University College of Dentistry have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 82 individuals of Native American ancestry. Officials of New York University College of Dentistry also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Louis Terracio, New York University College of Dentistry, 345 East 24th St., New York, NY 10010, telephone (212) 998–9917, before October 15, 2009. Repatriation of the human remains to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California may proceed after that date if no additional claimants come forward.

The New York University College of Dentistry is responsible for notifying the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California that this notice has been published.

Dated: June 15, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22220 Filed 9–14–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Texas Department of Transportation, Austin, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Texas Department of Transportation, Austin, TX. The human remains and associated funerary objects were removed from Anderson County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the professional archeological staff of the Texas Department of Transportation, Coastal Environments, Inc., Archeological & Environmental Consultants, LLC, and A.M. Wilson Associates, Inc., in initial consultation with representatives from the Caddo Nation of Oklahoma; Cherokee Nation, Oklahoma; Choctaw Nation of Oklahoma; Delaware Nation, Oklahoma; Kialegee Tribal Town, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pokagon Band of Potawatomi Indians of Michigan and Indiana; Quapaw Tribe of Indians, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; United Keetoowah Band of Cherokee Indians in Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

In 2004, human remains representing a minimum of one individual were removed from the Lang Pasture site, 41AN38, in Anderson County, TX. No known individual was identified. The eight associated funerary objects are one elbow pipe, two carinated bowls, one Poynor Engraved carinated bowl, one red-slipped carinated bowl, one plain bowl with scalloped lip, one Maydelle Incised jar, and one bottle.

In 2006, human remains representing a minimum of eight individuals were removed from the Lang Pasture Site, 41AN38, in Anderson County, TX. One of the features excavated during this time contained no human remains. However, based on the preponderance of the evidence, officials of the Texas Department of Transportation reasonably believe the artifacts recovered from the feature are associated funerary objects. No known individuals were identified. The 27 associated funerary objects from these burials are 1 elbow pipe, 2 Poynor Engraved carinated bowls, 2 Poynor Engraved compound bowls, 2 Poynor Plain globular carinated bowls, 1 Poynor Engraved bowl, 1 Maydelle Incised jar, 1 Killough Pinched bowl, 7 plain bowls, 4 carinated bowls, 1 plain bowl with scalloped lip, 1 bottle, 1 engraved-rocker-stamped seed jar or neckless bottle, 1 compound vessel or wide-mouthed bottle with suspension holes, 1 untyped arrow point tip, and 1 ground stone tool.

In 1983, Texas Department of Transportation archeologists recorded site 41AN38, the Lang Pasture site, during shovel testing in State Highway (SH) 155 right of way prior to a proposed transportation project planned to expand the highway from two to four lanes. It was determined that the highway project would destroy the portion of site 41AN38 located within the right of way.

In 2003, Hicks & Company completed a more comprehensive archeological survey. Cultural materials (e.g., Caddo ceramic sherds, lithic debris, a possible post hole feature with flecks of charcoal) recovered during the Hicks investigations led to a recommendation for National Register of Historic Places eligibility testing. In January and February 2004, Coastal Environments, Inc., conducted eligibility testing excavations, as the Texas Department of Transportation had determined that preservation in place was not a feasible option for that portion of site 41AN38 within the right of way. The site was determined eligible for listing in the National Register, and data recovery excavations were designed to mitigate the effects of construction on the site.

In consultation with the Caddo Nation of Oklahoma, it was determined that the portion of the Caddo cemetery within the right of way of SH 155 was to be excavated. The data recovery excavations were conducted in 2006 by Coastal Environments, Inc., and Archeological & Environmental Consultants, LLC, and additional human remains were removed from the site.

Preliminary assessment based on analysis of the ceramic types represented in the recovered burial assemblages, radiocarbon dates derived from six of the burials, and the placement of funerary offerings with the skeletal remains, indicate that the cemetery was used by Caddo groups during time periods ranging from the Formative Caddoan (A.D. 800–1000) through the Late Caddoan (A.D. 1400–1680). The Texas Department of Transportation has determined that based upon the burials and associated funerary assemblages, that the Lang Pasture site, 41AN38, was occupied by a Caddo group. Descendants of the Caddo are members of the Caddo Nation of Oklahoma.

Officials of the Texas Department of Transportation have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of nine individuals of Native American ancestry. Officials of the Texas Department of Transportation also have determined that, pursuant to 25 U.S.C. 3001 (3) (A), the 35 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Texas Department of Transportation have determined, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Caddo Nation of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Scott Pletka, Ph.D., Supervisor, Archeological Studies Program, Texas Department of Transportation, 125 E. 11th St., Austin, TX 78701–2483, telephone (512) 416–2631, before October 15, 2009. Repatriation of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed after that date if no additional claimants come forward.

The Texas Department of Transportation is responsible for notifying the Caddo Nation of Oklahoma; Cherokee Nation, Oklahoma; Choctaw Nation of Oklahoma; Delaware Nation, Oklahoma; Kialegee Tribal Town, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Indian Tribe of Oklahoma;

Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pokagon Band of Potawatomi Indians of Michigan and Indiana; Quapaw Tribe of Indians, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; United Keetoowah Band of Cherokee Indians in Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma that this notice has been published.

Dated: August 14, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–22217 Filed 9–14–09; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–556 (Remand)]

In the Matter of Certain High-Brightness Light-Emitting Diodes and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 5) of the presiding administrative law judge (''ALJ'') terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) based on withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. 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*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 8, 2005, based on a complaint filed by Lumileds Lighting U.S., LLC of San Jose, California. 70 FR 73026. The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain high-brightness light emitting diodes and products containing same by reason of infringement of claims 1 and 6 of U.S. Patent No. 5,008,718, claims 1–3, 8–9, 16, 18, and 23–28 of U.S. Patent No. 5,376,580, and claims 12–16 of U.S. Patent No. 5,502,316. The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named Epistar Corporation of Hsinchu, Taiwan, and United Epitaxy Company of Hsinchu, Taiwan as respondents. Subsequently, respondents merged under the name Epistar Corporation (''Epistar'').

The Commission terminated this investigation on May 9, 2007, finding a violation of section 337 and issuing a limited exclusion order directed to Epistar. Epistar appealed the Commission's determination to the U.S. of Appeals for the Federal Circuit. The Court issued its opinion on May 22, 2009, affirming in part, reversing in part, and remanding the investigation to the Commission. *See Epistar Corp.* v. *United States Int'l Trade Comm'n,* 566 F.3d 1321 (Fed. Cir. 2009).

On August 5, 2009, complainant moved to withdraw its complaint and terminate the investigation in its entirety.

The ALJ issued the subject ID on August 18, 2009, granting the motion for termination of the investigation. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. The Commission has determined not to review the ID, and accordingly the investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in sections 210.21 and 210.42(h), (i) of the Commission's Rules of Practice and Procedure, 19 CFR 210.21, 210.42(h), (i).

Issued: September 2, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–22131 Filed 9–14–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree under the Clean Water Act and the Oil Pollution Act

Notice is hereby given that on August 19, 2009, a proposed Consent Decree in *United States of America and the State of Indiana* v. *Countrymark Cooperative LLP,* Civil Action No. 1:09–cv–1018, was lodged with the United States District Court for the Southern District of Indiana.

In this action the United States, on behalf of the United States Department of Interior, the United States Fish and Wildlife Service, and the United States Coast Guard; and the State of Indiana, on behalf of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, sought damages under the Clean Water Act, 33 U.S.C. 1251 *et seq.,* and the Oil Pollution Act, 33 U.S.C. 2701 *et seq.,* for injury to, destruction of, or loss of natural resources resulting from a 2003 oil spill in the Wabash River floodplain near Griffin, Indiana (the ''Spill''). The Consent Decree resolves the claims of the United States and State of Indiana against Countrymark Cooperative in connection with the Spill. The Consent Decree provides that Countrymark Cooperative shall: (1) Undertake restoration activities at a nearby park; (2) reimburse a total of $22,800.12 in damage assessment costs; and (3) pay the future costs of overseeing the restoration work.

The U.S. Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In either case, the comments should refer to *United States of America and the State of Indiana* v. *Countrymark Cooperative LLP,* Civil Action No. 1:09–cv–1018, D.J. Ref. 90–5–1–1–08445.

During the comment period, the Consent Decree may be examined at the Office of the United States Attorney, Southern District of Indiana, 10 W. Market Street, Suite 2100, Indianapolis, Indiana 46204–3048, and at the offices of the U.S. Department of the Solicitor, Three Parkway Center, Room 385, Pittsburgh, PA 15220. The Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/*

Consent_Decrees.html. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $11.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–22061 Filed 9–14–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117–0034]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local Government) Crime Laboratories

ACTION: 60-Day notice of information collection under review

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until November 16, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mark W. Caverly, Chief, Liaison and Policy Section, Drug Enforcement Administration, Office of Diversion Control, 8701 Morrissette Drive, Springfield, VA 22152.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local Government) Crime Laboratories.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

Form Number: None.

Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, local or Tribal Government.

Other: None.

Abstract: Information is needed from State and local laboratories to provide DEA with additional analyzed drug information for the National Forensic Laboratory Information System.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that there are one hundred fifty (150) total respondents for this information collection. One hundred twenty (120) respond monthly at .16 hour (10 minutes) for each response and thirty (30) respond quarterly at .16 hour (10 minutes) for each response, for a total number of 1,560 respondents.

(6) An estimate of the total public burden (in hours) associated with the collection: It is estimated that there are 259 annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: September 9, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E9–22123 Filed 9–14–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

September 9, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Type of Review: Extension with change of a currently approved collection.

Title of Collection: WIA Management Information and Reporting System.

OMB Control Number: 1205–0420.

Agency Form Number: ETA–9090 and ETA–9091.

Affected Public: State Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Annual Burden Hours: 680,459.

Total Estimated Annual Costs Burden (does not include hour costs): $0.

Description: Respondents are State governments. Selected standardized information pertaining to participants in Workforce Investment Act Title 1B programs are collected and reported for the purposes of general program oversight, evaluation and performance assessment. For additional information, see related notice published at Volume 73 FR 45077 on August 1, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–22149 Filed 9–14–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

September 9, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Mary Beth Smith-Toomey on 202–693–4223 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Bureau of International Labor Affairs.

Type of Review: New collection (Request for a new OMB Control Number).

Title of Collection: Solicitation of Nominations for the Iqbal Masih Award for the Elimination of Child Labor.

OMB Control Number: 1290–XXXX.

Affected Public: Private Sector.

Total Estimated Number of Respondents: 30.

Total Estimated Annual Burden Hours: 300.

Total Estimated Annual Costs Burden (does not include hourly wage costs): $0.

Description: The U.S. Department of Labor, Bureau of International Labor Affairs (DOL/ILAB) seeks to collect information from the public as part of a process for nominating candidates for The United States Department of Labor's Iqbal Masih Award for the Elimination of Child Labor. The Iqbal Masih Award is a non-monetary award in recognition of exceptional efforts to reduce the worst forms of child labor. The award is in response to Senate Committee (Significant Report 110–107 DM/ILAB) language in fiscal year 2008, directing the Secretary of Labor to establish an annual non-monetary award recognizing the extraordinary efforts by an individual, company, organization or national government toward the reduction of the worst forms of child labor. The award shall be named, ''The United States Department of Labor's Iqbal Masih Award for the Elimination of Child Labor.'' The award's two major goals are to: (a) Honor and give public recognition to a recipient demonstrating extraordinary efforts to combat the worst forms of child labor internationally; and (b) identify those who share qualities demonstrated by Iqbal Masih, including leadership, courage, integrity, and a search to end the labor exploitation of children and raise awareness about the worst forms of child labor internationally. For additional information, see related notice published at Volume 74 FR 25774 on May 29, 2009.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–22113 Filed 9–14–09; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers Compensation; Proposed Extension of the Approval of Information Collection Requirements

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be

properly assessed. Currently, the Division of Coal Mine Workers' Compensation is soliciting comments concerning its proposal to extend the Office of Management and Budget (OMB) approval of the Information Collection: Notice of Issuance of Insurance Policy (CM–921). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 16, 2009.

ADDRESSES: Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0292, fax (202) 693–1451, e-mail *Lawrence.Steven@dol.gov.* Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION

I. Background

The Black Lung Benefits Act as amended, and codified at 30 U.S.C. 933, requires that a responsible coal mine operator be insured and outlines the items each contract of insurance must contain. It also enumerates the civil penalties to which a responsible coal mine operator is subject, should these procedures not be followed. In addition, 20 CFR Part V, Subpart C, 726.208–.213 requires that each insurance carrier shall report to Division of Coal Mine Workers' Compensation (DCMWC) each policy and endorsement issued, cancelled, or renewed with respect to responsible operators. It states that this report will be made in such a manner and on such a form as DCMWC may require. It is also required that if a policy is issued or renewed for more than one operator, a separate report for each operator shall be submitted.

This information collection is currently approved for use through April 30, 2010.

II. Review Focus

The Department of Labor is particularly interested in comments that:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for the extension of this information collection in order to insure the responsible coal mine operator be insured and outlines the items each contract of insurance must contain.

Type of Review: Extension.

Agency: Division of Coal Mine Workers' Compensation

Title: Notice of Issuance of Insurance Policy (CM–921)

OMB Number: 1215–0059

Affected Public: Private Sector; Survivor Compensation.

Total Respondents: 3,800.

Total Annual responses: 3,800.

Estimated Total Burden Hours: 635.

Estimated Time per Response: 10 minutes.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $1,976.0

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

Dated: September 10, 2009.

Steven D. Lawrence,

Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning.

[FR Doc. E9–22134 Filed 9–14–09; 8:45 am]

BILLING CODE 4510–CK–P

LEGAL SERVICES CORPORATION

Sunshine Act Notice; Meeting of the Finance Committee of the Board of Directors

Date and Time: The Finance Committee of the Legal Services Corporation's Board of Directors will meet on September 21, 2009, starting at 10 a.m. Eastern Daylight Savings Time.

Public Observation: Members of the public who wish to observe the public portion of the meeting may do so in person at the offices of the Legal Services Corporation or by listening to it live by following the telephone call-in directions given below. Anyone who calls in should to keep his/her telephone muted to eliminate background noises. Comments from the public may from time to time be solicited by the Chairman of the Committee.

Call-in Directions for Open Session

- Call toll-free number: 1-(800) 247–9979;
- When prompted, enter the following Conference Identification number: 25515684;
- When connected to the call, please ''MUTE'' your telephone immediately.

Location: Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007.

Status of Meeting: Open, except that a portion of the meeting of the Finance Committee may be closed to the public pursuant to a September 8, 2009 vote of the Board of Directors to consider and act on staff report on the classification of LSC consultants. A *verbatim* written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B) & (10), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(g) & (h), will not be available for public inspection. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

Matters To Be Considered

Open Session

1. Approval of agenda.
2. Approval of minutes of the Committee's meeting of July 24, 2009.
3. Presentation on Management's Recommendation for LSC's FY 2011 Budget Request to Congress.
   ——Presentation by Charles Jeffress.
   ——Comments by John Constance.
   ——Comments by Jeffrey Schanz.
4. Public Comment.
   ——Robert Stein, on behalf of SCLAID.
   ——Don Saunders, on behalf of NLADA.
   ——Other.
5. Consider and act on recommending to the Board Resolution # 2009–008, *A Resolution Adopting LSC's FY 2011 Budget Request to Congress.*
6. Consider and act on whether to conduct a closed session of the Committee to address items listed below under Closed Session.

Closed Session

7. Consider and act on staff report on the classification of LSC consultants.

8. Consider and act on adjournment of meeting.

Contact Person for Information: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Katherine Ward, at (202) 295–1500.

Dated: September 10, 2009.

Victor M. Fortuno,

Vice President & General Counsel.

[FR Doc. E9–22326 Filed 9–11–09; 4:15 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings of the Board of Directors; Notice

Date and Time: The Legal Services Corporation Board of Directors will meet on September 21, 2009, commencing at 1 p.m. Eastern Daylight Savings Time.

Public Observation: Members of the public who wish to observe the meeting may do so in person at the offices of the Legal Services Corporation or by listening to it live by following the telephone call-in directions given below. Anyone who calls in should keep his/her telephone muted to eliminate background noises. Comments from the public may from time to time be solicited by the Chairman of the Board.

Call-in Directions for Open Sessions:

- Call toll-free number: 1(866) 266–3378;
- When prompted, enter the following Conference Identification number: 2022951504 followed by the ''#'' sign; and
- When prompted, enter the following Pass Code: 2223 followed by the ''#'' sign; and
- When connected to the call, please ''MUTE'' your telephone immediately.

Location: Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007.

Status of Meeting: Open.

Matters To Be Considered:

1. Approval of agenda.

2. Consider and act on adoption of LSC's 2009 Justice Gap Report.

3. Consider and act on the election of Vice Chairman of the Board of Directors.

4. Consider and act on other business.

5. Consider and act on adjournment of meeting.

Contact Person for Information: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Katherine Ward, at (202) 295–1500.

Dated: September 10, 2009.

Victor M. Fortuno,

Vice President & General Counsel.

[FR Doc. E9–22328 Filed 9–11–09; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Modification Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 15, 2009. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested

The Foundation issued a permit (2008–016) to Dr. Robert Garrott on October 1, 2007. The issued permit allows the applicant to tag new pups born each year in the Erebus Bay and to weigh a sample of the pups at parturition, approximately 20 days old, and 35 days old as part of a study of the Interactions of Environmental Variability, Life History Traits, and Demography in an Apex Antarctic Predator. Based on data collected so far and field observations, it appears that moms vary a lot in how much time they spend in the water with their pups teaching them to swim, forage, evade aggressive encounters with other seals, *etc.* It is believed that the amount of time pups spend in the water influences their weight when weaned, and likely their ultimate probability of survival once weaned.

The applicant would like to temporarily deploy a small temperature logging tag on the pups when they are weighed at 1–2 days old and remove the tag when they are weighed at 35 days old. The applicant has identified a small (5 grams) commercially manufactured temperature logging unit that can be mounted on the flipper. Once the tag is removed, the archived data will be used to quantify the pup's swimming profile during the nursing period.

Location: McMurdo Sound.

Dates: October 2, 2009 to February 12, 2012.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. E9–22083 Filed 9–14–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–445 and 50–446; NRC–2009–0401]

Luminant Generation Company LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Luminant Generation Company LLC (the licensee) to withdraw its August 28, 2007 application, as supplemented by letters

dated June 30 and December 11, 2008, and January 22, February 17, and July 27, 2009, for proposed amendment to Facility Operating License Nos. NPF–87 and NPF–89 for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell County, Texas.

The proposed amendment would have revised Technical Specification (TS) 1.0, ''Use and Application'' and TS 3.7.17, ''Spent Fuel Assembly Storage,'' for the CPSES, Units 1 and 2. Specifically, the request was to revise the rated thermal power from 3458 megawatts thermal (MWT) to 3612 MWT and for approval of the revised spent fuel pool (SFP) criticality safety analysis and the associated changes to TS 3.7.17 for revised spent fuel storage configurations. By letter dated June 27, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081510157), the U.S. Nuclear Regulatory Commission (NRC) approved changes to TS 1.0, ''Use and Application'' to revise the rated thermal power level from 3458 MWT to 3612 MWT.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on October 23, 2007 (72 FR 60034), for amendments to TS 1.0 and TS 3.7.17. The amendment to TS 1.0 to revise the rated thermal power level from 3458 MWT to 3612 MWT was approved by NRC by letter dated June 27, 2008. However, by letter dated August 20, 2009, the licensee withdrew the proposed change to TS 3.7.17, ''Spent Fuel Assembly Storage.''

For further details with respect to this action, see the application for amendment dated August 28, 2007 application, as supplemented by letters dated June 30 and December 11, 2008, and January 22, February 17, and July 27, 2009, and the licensee's letter dated August 20, 2009, which withdrew the application for license amendment to TS 3.7.17. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 21st day of August 2009.

For the Nuclear Regulatory Commission.

Balwant K. Singal,

Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9–22128 Filed 9–14–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251 NRC–2009–0402]

Turkey Point; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–31 and Facility Operating License No. DPR–41 issued to Florida Power & Light (FPL, the licensee) for operation of the Turkey Point, Units 3 and 4 located in Florida City, Florida.

The proposed amendment would delay the date specified in License Amendments 234 and 229 for the implementation of the Boraflex Remedy in the Turkey Point Units 3 and 4 spent fuel pools.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed license amendments extend the implementation period specified in License Amendments 234 and 229. The delay will allow FPL to continue to work with our vendor to successfully fabricate the Metamic® inserts to the design requirements for insertion until both SFPs [spent fuel pools] are configured in accordance with the previously approved Boraflex® Remedy license amendments.

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex®, the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex® Remedy license amendments are fully implemented. These measures will continue to ensure required margins to criticality are maintained such that the consequences of an accident are not increased. As the delay in implementation of the Boraflex® Remedy does not affect any accident initiation sequences, the probability of occurrence on an accident in the SFPs is not increased by delay in implementation of License Amendment Nos. 234 and 229. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed license amendments extend the implementation period specified in License Amendments 234 and 229. The delay will allow FPL to continue to work with our vendor to successfully fabricate the Metamic® inserts to the design requirements for insertion until both SFPs are configured in accordance with the previously approved Boraflex® Remedy license amendments.

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex®, the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex® Remedy license amendments are fully implemented. As no unapproved physical changes to the spent fuel storage cells are involved with this delay in implementation of the Boraflex® Remedy, no new failure modes are created by an extended implementation date. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The proposed license amendments extend the implementation period specified in License Amendments 234 and 229. The delay will allow FPL to continue to work with our vendor to successfully fabricate the Metamic® inserts to the design requirements

for insertion until both SFPs are configured in accordance with the previously approved Boraflex® Remedy license amendments.

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex®, the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex® Remedy license amendments are fully implemented. These measures will continue to ensure required margins to criticality are maintained. As no unapproved physical changes to the spent fuel storage cells are involved with this delay in implementation of the Boraflex® Remedy and since Boraflex® degradation will continue to be closely monitored to ensure acceptable margins to criticality are maintained, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking and Directives Branch (RDB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be faxed to the RDB at 301–492–3446. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in

accordance with the NRC E–Filing rule, which the NRC promulgated in August 28, 2007 (72 FR 49139). The E–Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E–Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov*, or by calling (301) 415–1677, to request (1) A digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E–Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E–Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E–Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E–Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The Meta-System Help Desk can be contacted by telephone at 1–866–672–7640 or by e-mail at *MSHD.Resource@nrc.gov.*

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the request and/or petition should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/ehd_proceeding/home.asp,* unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

For further details with respect to this license amendment application, see the application for amendment dated [date], which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

Dated at Rockville, Maryland, this 8th day of September 2009.

For the Nuclear Regulatory Commission.

Brenda L. Mozafari,

Senior Project Manager, Plant Licensing Branch II–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9–22185 Filed 9–14–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0396]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG–2001.

FOR FURTHER INFORMATION CONTACT: R. A. Jervey, U.S. Nuclear Regulatory

Commission, Washington, DC 20555–0001, telephone: (301) 251–7404 or e-mail to *Richard.Jervey@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled, ''Quality Assurance Program Requirements for Research and Test Reactors,'' is temporarily identified by its task number, DG–2001, which should be mentioned in all related correspondence. DG–2001 is proposed Revision 1 of Regulatory Guide 2.5, dated May 1977.

This guide describes a method acceptable to the staff of the NRC in complying with the Commission's regulations with regard to the overall quality assurance program requirements for research and test reactors.

Title 10, Section 50.34(a)(7), of the Code of Federal Regulations (10 CFR 50.34(a)(7)), requires each applicant for a construction permit to build a production or utilization facility to include, in its preliminary safety analysis report, a description of the quality assurance program to be applied to the design and construction of the structures, systems, and components of the facility. Furthermore, 10 CFR 50.34(b)(6)(ii) requires that each applicant for a license to operate a facility include, in the final safety analysis report, a description of the managerial and administrative controls to be used to ensure safe operation.

II. Further Information

The NRC staff is soliciting comments on DG–2001. Comments may be accompanied by relevant information or supporting data and should mention DG–2001 in the subject line. Comments submitted in writing or in electronic form will be made available to the public' in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

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.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking and Directives Branch, Mail Stop: TWB–05–B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

2. *Federal e-Rulemaking Portal:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID [NRC–2009–0396]. Address questions about NRC dockets to Carol Gallagher, 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

3. *Fax comments to:* Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492–3446.

Requests for technical information about DG–2001 may be directed to the NRC contact, R.A. Jervey at (301) 251–7404 or e-mail to *Richard.Jervey@nrc.gov.*

Comments would be most helpful if received by November 13, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG–2001 are available through the NRC's public Web site under Draft Regulatory Guides in the ''Regulatory Guides'' collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/.* Electronic copies are also available in ADAMS (*http://www.nrc.gov/reading-rm/adams.html*), under Accession No. ML091460620.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 2nd day of September 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E9–22184 Filed 9–14–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–263; NRC–2009–0399]

Northern States Power Company, LLC, Monticello Nuclear Generating Plant; Draft Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) has prepared a draft Environmental Assessment (EA) as part of its evaluation of a request by Northern States Power Company (NSPM) for a license amendment to increase the maximum thermal power at the Monticello Nuclear Generating Plant (MNGP) from 1,775 megawatts thermal (MWt) to 2,004 MWt. This represents a power increase of approximately 13 percent over the current licensed thermal power. As stated in the NRC staff's position paper dated February 8, 1996, on the Boiling-Water Reactor Extended Power Uprate (EPU) Program, the NRC staff will prepare an environmental impact statement if it believes a power uprate would have a significant impact on the human environment. The NRC staff did not identify any significant impact from the information provided in the licensee's EPU application or during the NRC staff's review of other available information; therefore, the NRC staff is documenting its environmental review in this EA. Also, in accordance with the position paper, the draft EA and Finding of No Significant Impact are being published in the **Federal Register** with a 30-day public comment period.

Environmental Assessment

Plant Site and Environs

The MNGP site is located in Monticello, Minnesota, along the southern bank of the Mississippi River at River Mile (RM) 900, approximately 30 miles (48 kilometers) northwest of Minneapolis/St. Paul, and east of Interstate Highway 94. The 2,150-acre (870-hectare) site consists of 2 miles (3 kilometers) of frontage on both banks of the Mississippi River, within portions of

Wright and Sherburne Counties. The plant and its supporting facilities occupy approximately 50 acres (20 hectares) in Wright County.

MNGP is a single unit boiling water reactor that has been designed to allow operation using four water circulating modes to cool the system, and draws water from and discharges water to the Mississippi River. These four water circulating modes include an open-cycle (once-through) system, a closed cycle system using two mechanical draft cooling towers, a helper cycle system, and a partial recirculation of the cooling water. The helper cycle cools water using both the open cycle to withdraw water from and discharge the water back to the Mississippi River, and the cooling towers to cool water prior to discharge to the river. The helper cycle is used when the discharge canal temperature approaches permit limits and upstream river temperatures are consistently at or above 68 °F. MNGP operates in open cycle or helper cycle approximately 98 percent of the time. In the partial recirculation mode, 75 percent of the Mississippi River flow is withdrawn and the cooling towers are operating. A portion of the cooled water is recirculated to the intake and the remainder is discharged to the river. The partial recirculation mode is used when river flow is less than 860 cubic-feet-per-second (cfs) but greater than 240 cfs, and the river temperature is elevated.

Identification of the Proposed Action

By application dated November 5, 2008, as supplemented on January 29, 2009 (on environmental issues only) the licensee requested an amendment for EPU for MNGP to increase the licensed thermal power level from 1,775 MWt to 2,004 MWt, which is an increase of 13 percent over the current licensed thermal power and a 20 percent increase over the original licensed thermal power. The Atomic Energy Commission (predecessor of the NRC) issued the Final Environmental Statement (FES) in November 1972, for the original license for MNGP. The NRC previously approved a 6.3 percent stretch power uprate in September 1998, increasing the power output from 1,670 MWt to 1,775 MWt. The NRC EA for that action resulted in a finding of no significant impact and was published in the **Federal Register** on September 1, 1998 (63 FR 46489). In addition, the NRC issued a Supplemental Environmental Impact Statement, NUREG–1437, Supplement 26 (SEIS–26) in August 2006, associated with renewing the operating license for MNGP for an additional 20 years. This proposed amendment for an EPU would result in an increase in production of electricity and the amount of waste heat delivered to the condenser, requiring an increase to the amount of water withdrawn from the Mississippi River for cooling purposes, and a subsequent increase in the temperature of the water discharged back to the Mississippi River.

The licensee plans to implement the proposed EPU in two phases to coincide with two refueling outages. The first refueling outage is scheduled for late 2009, with a corresponding increase in power of approximately 50 MWt to a total of 1,825 MWt. The second refueling outage is scheduled for 2011, and the power level will be increased to the maximum of 2,004 MWt.

The Need for the Proposed Action

The need for the additional power generation is based upon NSPM's 15-year Resource Plan that includes a forecast of an average annual increase of peak electrical demand of 1.2 percent through NSPM's 2008–2022 planning period. This forecast for increased energy includes NSPM's resource obligations for summer peak net demand, minimum reserve requirements, its committed resources, and other contracted obligations. This increase in power demand would partially be met by the increased amount of power output proposed for MNGP along with other energy sources.

Environmental Impacts of the Proposed Action

At the time of issuance of the operating license for MNGP in 1972, the NRC staff noted that any activity authorized by the license would be encompassed by the overall action evaluated in the FES for the operation of MNGP. In addition, the NRC published the SEIS–26 in 2006, which evaluated the environmental impacts of operating MNGP for an additional 20 years, and determined that the environmental impacts of license renewal were small. The sections below summarize the non-radiological and radiological impacts in the environment that may result from the proposed action of the proposed EPU.

Non-Radiological Impacts

Land Use and Aesthetic Impacts

Potential land use and aesthetic impacts from the proposed EPU include impacts from plant modifications at MNGP. While some plant components would be modified, most plant changes related to the proposed EPU would occur within existing structures, buildings, and fenced equipment yards housing major components within the developed part of the site. No new construction would occur outside of existing facilities and no expansion of buildings, roads, parking lots, equipment storage areas, or transmission facilities would be required to support the proposed EPU, although some transmission and distribution equipment may be replaced or modified.

Existing parking lots, road access, lay-down areas, offices, workshops, warehouses, and restrooms would be used during plant modifications. Therefore, land use conditions would not change at MNGP. Also, there would be no land use changes along transmission lines (no new lines would be required for the proposed EPU), transmission corridors, switch yards, or substations.

Since land use conditions would not change at MNGP, and because any land disturbance would occur within previously disturbed areas, there would be little or no impact to aesthetic resources in the vicinity of MNGP. Therefore, the NRC staff concludes that there would be no significant impact from EPU-related plant modifications on land use and aesthetic resources in the vicinity of MNGP.

Air Quality Impacts

During implementation of the EPU at the MNGP site, some minor and short duration air quality impacts would likely occur. Emissions from the vehicles of workers would be the main sources of these air quality impacts. Wright County, where MNGP is located, is designated as a maintenance area for carbon monoxide. The NSPM indicated that an additional 500 temporary employees would be needed for the duration of the project. The majority of the workforce would reside within the county where MNGP is located. The screening analysis performed by the licensee for the proposed Monticello EPU projects that annual average vehicular traffic would increase by approximately 2 percent. The majority of the EPU-associated activities would be performed inside existing buildings and will not cause additional atmospheric emissions. Therefore, the NRC staff concludes that there would be no significant impact on air quality during and following implementation of the proposed EPU.

Water Use Impacts

Groundwater

MNGP uses groundwater for domestic-type water uses and limited industrial use. Groundwater is obtained

from six on-site wells, two of which are permitted and regulated by the Minnesota Department of Natural Resources (MDNR) through the State's water appropriation permit program. These two wells produce 100 gallons per minute (gpm) each and provide domestic water to restrooms, showers, and laundries and industrial use water to the MNGP reverse osmosis system, and to pump seals at the plant intake structure. Four additional small capacity wells that do not require an MDNR permit are used to supply domestic use water to buildings not connected to the permitted system. The proposed EPU will not significantly increase the use of domestic groundwater, and the volume of additional groundwater needed for industrial use is within the limits of the existing appropriations permit. Therefore, the NRC staff concludes that there would be no significant impact on groundwater resources following implementation of the proposed EPU.

Surface Water

MNGP uses surface water for plant condenser cooling, auxiliary water systems, service water cooling, intake screen wash, and fire protection. Under MDNR water appropriation permit number PA 66–1172–S, MNGP may withdraw up to 645 cubic feet per second (cfs) from the Mississippi River. Surface water consumption under EPU conditions is expected to be maintained within permitted limits. The upper limit of the permit is 8,700 ac-ft per year, which would not be reached because the cooling towers are typically operated in combination with the once-through cooling system. As part of its environmental review for license renewal, the NRC staff stated in SEIS–26 that ''the consumptive loss due to evaporation from the cooling towers represent 4 percent of the river flow, which is not considered significant.'' The increased volume of circulation water will continue to have an insignificant effect on the total consumptive use of surface water at MNGP. The issue of discharge temperatures is regulated by the National Pollutant Discharge Elimination System (NPDES) permit discussed in the following section. Therefore, the NRC staff concludes that there would be no significant impact on surface water resources following implementation of the proposed EPU.

Aquatic Resources Impacts

The potential impacts to aquatic biota from the proposed action include impingement, entrainment, and thermal discharge effects.

Since MNGP operates most of the time in open-cycle mode, an increase in river water appropriation for the EPU from the current consumptive rate of 509 cfs to 645 cfs may increase impacts from entrainment and impingement of fish and shellfish in their early life stages. However, in a Section 316(a) Clean Water Act (CWA) Demonstration project in 1975, for MNGP that included an evaluation of plant impacts on aquatic organisms, the evidence indicated that operations of MNGP had not produced appreciable harm to the aquatic organisms in the Mississippi River in the vicinity of MNGP. In addition, in the SEIS–26, the NRC staff concluded in its assessment of the relicensing activities of MNGP that MNGP was in compliance with its current State of Minnesota NPDES permit, and in compliance with Section 316(b) of the CWA regarding the use of best available technology for the minimization of adverse environmental impacts from entrainment and impingement, and further mitigation measures would not be warranted. Further, river water appropriation under EPU operation will not increase beyond the current maximum MNGP NPDES Permit limit of 645 cfs. Therefore, the NRC staff concludes that there would be no significant adverse impacts from entrainment or impingement for the proposed action.

According to the licensee, at the proposed EPU conditions, the temperature of the water entering the discharge canal is expected to increase by a maximum of 4.5 °F over the current discharge canal temperature, which ranges from 66 °F to 95 °F depending upon the season. This can lead to changes to the length, width, and duration of the thermal plume across the Mississippi River. However, the licensee states in the application that when canal discharge temperatures have approached the limits of the NPDES permit, MNGP will reduce power in order to comply with NPDES thermal discharge requirements. The NRC staff previously noted in its SEIS–26 and review of MNGP's license renewal that, despite a few periods of non-compliance with the NPDES permit, there have been no indications of adverse impacts to the aquatic biota within the vicinity of the discharge plume. Therefore, the NRC staff concludes that there would be no significant adverse impacts to aquatic biota from thermal discharges for the proposed action.

The licensee stated in the application that an increase of up to 4.5 °F for the effluent at the discharge canal over the current temperature would not result in a significant increase in the production of harmful thermophilic organisms in the discharge canal. The maximum temperature at the discharge canal would remain within the limits of the NPDES permit, and this temperature is also well below the temperature for maximum growth rate of thermophilic organisms. The NRC staff determined, in SEIS–26, that thermophilic organisms are not likely to occur as a result of discharges by MNGP into the Mississippi River. No further mitigation was necessary according to the NRC staff. Based upon the information provided in the application for EPU and the SEIS–26, the NPDES permit requirements for water temperature, and the Section 316(b) requirements of the CWA, the NRC staff concludes that the impact of thermophilic microbiological organisms from the proposed EPU would not be significant.

Terrestrial Resources Impacts

According to the application and the previous discussion regarding land use, the proposed action will not affect any lands located outside of the inner security fence at MNGP. Therefore, the NRC staff concludes that there would be no significant impacts on terrestrial biota associated with the proposed action.

Threatened and Endangered Species Impacts

Few Federal- or State-listed aquatic species are known to exist in the four counties (Wright, Sherburne, Hennepin, and Anoka counties) in which MNGP and the related transmission lines are located, and no Federal- or State-listed aquatic species have been identified near MNGP. Similarly, no Federally-listed terrestrial species occur within the subject four counties. There are six State-listed species that occur or potentially occur in the vicinity of MNGP. However, because no changes are proposed to terrestrial wildlife habitat on the MNGP site or its vicinity from the proposed EPU, the NRC staff concludes that there would be no significant impacts to any threatened or endangered species for the proposed action.

Historic and Archaeological Resources Impacts

Historic and archaeological resources have been identified in the vicinity of MNGP, but not at MNGP. The licensee has no plans to construct new facilities or modify existing access roads, parking areas, or laydown areas for EPU operation. The licensee stated that onsite transmission and distribution equipment could be replaced or modified to support EPU activities,

however, these activities would be limited to previously disturbed areas. Therefore, the NRC staff concludes that there would be no significant impact from the proposed EPU on historic and archaeological resources at MNGP.

Socioeconomic Impacts

Potential socioeconomic impacts from the proposed EPU include temporary increases in the size of the workforce at MNGP and associated increased demand for public services and housing in the region. The proposed EPU could also increase tax payments due to increased power generation.

Currently, there are approximately 327 full-time workers employed at MNGP, residing primarily in Wright County and Sherburne County, Minnesota. During refueling outages (approximately every 24 months) the number of workers at MNGP increases by as many as 600 workers for 30 to 40 days.

The proposed EPU is expected to temporarily increase the size of the workforce at MNGP during two refueling outages. Approximately 250 additional workers would be needed during the 2009, refueling outage, and up to 500 additional workers would be needed during the 2011, refueling outage to support EPU-related activities at MNGP. Once completed, the proposed EPU would not increase the size of the MNGP workforce during future refueling outages.

Most of the EPU plant modification workers would likely relocate temporarily to Wright and Sherburne counties, resulting in short-term increases in the local population along with increased demands for public services and housing. Because plant modification work would be short-term, most workers could stay in available rental homes, apartments, mobile homes, and camper-trailers. Since MNGP is located in a high population area and the number of available housing units exceeds demand, any temporary changes in plant employment would have little or no noticeable effect on the availability of housing in the region. Due to the short duration of plant outages and the availability of housing, there would be no significant employment-related housing impacts.

NSPM currently pays annual real estate taxes to public School District 882, Wright County, and the City of Monticello. The proposed EPU could increase property tax payments because the total amount of tax money paid would increase as power generation increases and because the proposed EPU could increase the assessed market value of MNGP. Due to the short duration of EPU-related plant modification activities, there would be little or no noticeable effect on tax revenue streams from the temporary MNGP workers residing in Wright County and Sherburne County. Therefore, the NRC staff concludes that there would be no significant socioeconomic impacts from EPU-related plant modifications and operations under EPU conditions in the vicinity of MNGP.

Environmental Justice Impacts

The environmental justice impact analysis evaluates the potential for disproportionately high and adverse human health and environmental effects on minority and low-income populations that could result from activities associated with EPU operation at MNGP. Such effects may include ecological, cultural, human health, economic, or social impacts. Some of these potential effects have been identified in resource areas discussed in this EA. For example, increased demand for rental housing during plant modifications for the EPU could disproportionately affect low-income populations. Minority and low-income populations are subsets of the general public residing around MNGP, and all are exposed to the same health and environmental effects generated from activities at MNGP.

Environmental Justice Impact Analysis

The staff considered the demographic composition of the area within a 50-mile radius of MNGP to determine the location of minority and low-income populations and whether they may be affected by the proposed action. According to U.S. Census Bureau data for 2000, the largest minority group was Black or African American (178,000 persons or 6.5 percent), followed by Asian (132,000 or about 4.8 percent). Low-Income Populations in the Vicinity of MNGP were identified as living below the 1999 Federal poverty threshold of $17,029 for a family of four. According to census data, Wright County and Sherburne County had higher median household income averages ($67,391 and $67,634) and lower percentages (both 5.0 percent) of individuals living below the poverty level, respectively.

Potential impacts to minority and low-income populations would mostly consist of environmental and socioeconomic effects (e.g., noise, dust, traffic, employment, and housing impacts).

Noise and dust impacts would be short-term and limited to onsite activities. Minority and low-income populations residing along site access roads could experience increased commuter vehicle traffic during shift changes. Increased demand for inexpensive rental housing during EPU-related plant modifications could disproportionately affect low-income populations, but there are a sufficient number of rental housing units available to accommodate the increase of workers at MNGP during the outages. Due to the short duration of the EPU-related work and the availability of rental properties, impacts to minorities and low-income populations would be short-term and limited.

Based on this information and the analysis of human health and environmental impacts presented in this EA, the NRC staff concludes that the proposed EPU operation would not have disproportionately high and adverse human health and environmental effects on minority and low-income populations residing in the vicinity of MNGP.

Non-Radiological Impacts Summary

As discussed above, the proposed EPU would not result in any significant non-radiological impacts. The NRC staff also anticipates that there would be no significant non-radiological cumulative impacts related to the proposed EPU. Table 1 summarizes the non-radiological environmental impacts of the proposed EPU at MNGP.

TABLE 1—SUMMARY OF NON-RADIOLOGICAL ENVIRONMENTAL IMPACTS

Land Use	No significant impact on land use conditions and aesthetic resources in the vicinity of MNGP.
Air Quality	Temporary short-term air quality impacts from construction activities and vehicle emissions related to travelling of the workforce required to complete EPU modifications; no significant air quality impacts from such temporary increase in workforce.
Water Use	Water use changes resulting from the EPU would be relatively minor. No significant impact on groundwater or surface water resources.

TABLE 1—SUMMARY OF NON-RADIOLOGICAL ENVIRONMENTAL IMPACTS—Continued

Aquatic Resources	No significant impact to aquatic resources due to impingement and entrainment or thermal discharge.
Terrestrial Resources	No significant impact to terrestrial resources.
Threatened and Endangered Species	No significant impact to Federal- or State-listed species.
Historic and Archaeological Resources	No significant impact to historic and archaeological resources on site or in the vicinity of MNGP.
Socioeconomics	No significant socioeconomic impacts from EPU-related temporary increase in workforce.
Environmental Justice	No disproportionately high and adverse human health and environmental effects on minority and low-income populations in the vicinity of MNGP.

Radiological Impacts

Radioactive Gaseous and Liquid Effluents, Direct Radiation Shine, and Solid Waste

Nuclear power plants use waste treatment systems to collect, process, recycle, and dispose of gaseous, liquid, and solid wastes that contain radioactive material in a safe and controlled manner within NRC and EPA radiation safety standards.

Radioactive Gaseous and Liquid Effluents

During normal power plant operation, the gaseous effluent treatment system processes and controls the release of radioactive gaseous effluents into the environment.

Implementation of the proposed EPU would increase the production and activity of gaseous effluents by approximately 13 percent, which is in proportion to the proposed increase in power level. As reported by the licensee for the 2001–2006 time period, the average annual calculated maximum total body dose to an offsite member of the general public from gaseous effluents was 1.62E–02 mrem (1.62E–04 mSv). This dose is well below the 5 mrem (0.05 mSv) dose design objective in Appendix I to 10 CFR Part 50. Using the average annual maximum total body dose (provided by the licensee) to an offsite member of the general public from gaseous effluents, and assuming that the 13-percent EPU will result in a corresponding increase in dose, the NRC staff projects that the average annual calculated maximum total body dose to an offsite member of the general public from gaseous effluents would be 1.83E–02 mrem (1.83E–04 mSv). Thus, the maximum offsite dose to the member of the public under the conditions of the EPU would remain well within the radiation standards of 10 CFR Part 20 and the design objectives of Appendix I to 10 CFR Part 50. Therefore, the NRC staff concludes that the potential increase in offsite dose due to gaseous effluent release following implementation of the EPU would not be significant.

MNGP is authorized by the NRC to release a qualified amount of radioactive liquid effluent into the environment; however, by its own policy the licensee operates the plant as a zero radioactive liquid release plant. Therefore, there are no routine periodic releases of liquid radioactive effluents from the plant. MNGP's liquid radioactive waste management system collects and processes the liquid waste, and then either recycles the clean liquid within the plant or solidifies it for off-site disposal. The proposed EPU operation will not change the zero radioactive release policy at MNGP. No modifications to the liquid radioactive waste system would be needed to handle the increased liquid waste following implementation of the proposed EPU.

In the EPU application, the licensee estimated that the proposed EPU would slightly increase the volume of radioactive liquid waste generated from 11,000 gals/day to 11,250 gals/day. This is a small increase in volume and can be accommodated by the radioactive liquid waste system capacity. Although the licensee strives to operate the plant as a zero liquid release plant, there were some radioactive liquid discharges in 2001, 2003, and 2004. As reported by the licensee for the 2001–2006 time period, the average annual calculated maximum total body dose to an offsite member of the general public from liquid effluents was 2.72E–06 mrem (2.72E–08 mSv). This annual dose is well below the 3 mrem (0.03 mSv) dose design objective in Appendix I to 10 CFR Part 50. Based on the licensee's ability to maintain a near zero liquid discharge status for several years, and the resulting dose from the few releases being well within NRC dose standards, there is reasonable assurance that the proposed EPU will not have a significant impact on future liquid discharges.

In addition to the dose impact from gaseous and liquid radioactive effluents, the licensee evaluated the impact of the proposed EPU on the direct radiation (gamma radiation) from plant systems, liquid storage tanks, the turbine, and components containing radioactive materials.

Based on the licensee's evaluation, the annual offsite dose to members of the public from direct radiation under EPU conditions would be approximately 6 mrem. Thus, the annual cumulative average calculated maximum total body dose to an offsite member of the general public from all sources of radiation from the facility (i.e., gaseous and liquid effluents, and direct radiation) following implementation of the proposed EPU would be approximately 7 mrem. This dose is well below the radiation dose limits and standards in 10 CFR Part 20, and 40 CFR Part 190. Therefore, the NRC staff concludes that the potential increase in offsite radiation dose to members of the public would not be significant.

Radioactive Solid Wastes

The radioactive solid waste system collects, processes, packages, monitors, and temporarily stores radioactive dry and wet solid wastes prior to shipment offsite for disposal. The licensee reported in its environmental assessment that MNGP shipped annually, on average, approximately 706 ft^3 of solid radioactive waste consisting of spent resin, filter sludge, evaporator bottoms, etc., during the 2001–2006 time period. The licensee projects that implementation of the proposed EPU would cause an annual increase of 106 ft^3 in the volume of the resins and result in one additional annual shipment. No modifications to the solid radioactive waste system would be needed to handle the increase in liquid waste following implementation of the proposed EPU. The total long-lived activity contained in the waste is expected to be bounded by the percentage of the EPU, and the increase in the overall volume of waste generated during operation under EPU conditions is expected to be minor. Therefore, the NRC staff concludes that the impact from the increased volume of solid radwaste generated under conditions of the proposed EPU would not be significant.

Spent fuel from MNGP is stored in the spent fuel pool and the newly constructed Independent Spent Fuel Storage Installation (ISFSI). The licensee estimates that the number of discharged assemblies would increase from 150 assemblies per cycle to approximately 170 assemblies per cycle following implementation of the proposed EPU. The storage capacity of the spent fuel pool and the ISFSI is sufficient to accommodate the expected small increase in discharged fuel assemblies. Therefore, the NRC staff concludes that there would be no significant impact resulting from storage of the additional fuel assemblies.

Occupational Doses

Implementation of the proposed EPU would result in the production of more radioactive material and higher radiation dose rates in the restricted areas at MNGP. Occupational exposures from in-plant radiation primarily occur during maintenance and refueling operations. Implementation of the proposed EPU is not expected to significantly change the amount of radiation exposure received by plant personnel, as the licensee has a radiation protection program that monitors radiation levels throughout the plant to establish work controls, shielding, and protective equipment requirements so that worker doses will remain within the dose limits of 10 CFR part 20 and as low as is reasonably achievable. Therefore, the NRC staff concludes that there would be no significant increase in the radiation exposure received by plant personnel due to implementation of the proposed EPU.

Postulated Accident Doses

Implementation of the proposed EPU would increase the core inventory of radionuclides, which is dependent on power level. The concentration of the radionuclides in the reactor coolant may also increase in proportion to power level increase; however, this concentration is limited by the MNGP Technical Specifications. Therefore, the reactor coolant concentration of radionuclides would not be expected to increase significantly. Some of the radioactive waste streams and storage systems evaluated for postulated accidents may contain slightly higher quantities of radionuclides. For those postulated accidents where the source term has increased, the calculated potential radiation dose to individuals at the exclusion area boundary, at the low population zone, and in the main control room, as well as in the technical support center for the loss-of-coolant accident, remain below the requirements of 10 CFR 50.67.

The NRC staff is reviewing the applicant's analyses to independently verify the applicant's calculated doses under accident conditions. The NRC staff's evaluation results will be contained in the safety evaluation that will be issued concurrently with the proposed EPU amendment, if so approved by the NRC staff. However, for the purpose of this EA, the NRC staff concludes that, based on the information provided by the licensee, the proposed EPU would not significantly increase the radiological consequences of postulated accidents.

Radiological Impacts Summary

As discussed above, the proposed EPU would not result in any significant radiological impacts. Because of existing regulatory requirements regarding limits to exposure, the NRC staff also anticipates that there would be no significant radiological cumulative impacts related to the proposed EPU, as the licensee is required to continue to comply with such regulatory requirements. Table 2 summarizes the radiological environmental impacts of the proposed EPU at MNGP.

TABLE 2—SUMMARY OF RADIOLOGICAL ENVIRONMENTAL IMPACTS

Radioactive Gaseous Effluents	Doses from increased gaseous effluents would remain within NRC limits and dose design objectives.
Offsite Radiation Doses	Radiation doses to members of the public would remain small, well below NRC and EPA Federal radiation protection standards.
Radioactive Liquid Effluents	EPU would not change routine liquid radioactive effluent releases from MNGP; the doses from discharges, if any, would remain within NRC limits and dose design objectives.
Radioactive Solid Wastes	Amount of solid waste generated would increase by approximately 15 percent (i.e., approximately 1 additional truck shipment per year.
Occupational Doses	Occupational doses would continue to be maintained within regulatory limits.
Postulated Accident Doses	Calculated doses for postulated design-basis accidents would remain within NRC limits.

Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed EPU (i.e., the ''no-action'' alternative). Denial of the application would result in no change in the current environmental impacts. However, if the EPU were not approved for MNGP, other agencies and electric power organizations may be required to pursue other means, such as fossil fuel power generation, of providing electric generation capacity to offset future demand. Construction and operation of such a fossil-fueled plant may create impacts in air quality, land use, and waste management significantly greater than those identified for the proposed EPU at MNGP. Conservation programs such as demand-side management could possibly replace the proposed EPU's additional power output. However, the regional forecasted future energy demand calculated by the licensee may exceed conservation savings and still require additional generating capacity. Alternative energy sources such as wind energy have been incorporated into NSPM's regional energy forecast.

Furthermore, the proposed EPU does not involve environmental impacts that are significantly different from those originally identified in the MNGP FES.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the FES.

Agencies and Persons Consulted

In accordance with its stated policy, on August 7, 2009, the NRC staff consulted with the State of Minnesota official regarding the environmental impact of the proposed action. The Minnesota State official had no comments.

Finding of No Significant Impact

On the basis of the EA, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's

application dated November 5, 2008, and its supplement dated January 29, 2009 (on environmental issues).

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff at 1–800–397–4209, or 301–415–4737, or send an e-mail to *pdr.Resource@nrc.gov*.

Dated at Rockville, Maryland, this 28th day of August 2009.

For the Nuclear Regulatory Commission.

Lois James,

Branch Chief, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 70–36; NRC–2009–0278]

Notice Extending the Deadline for Requesting a Hearing and Correcting Information Regarding the Procedure for Requesting a Hearing on a License Amendment Application Filed by Westinghouse Electric Company LLC for the Hematite Decommissioning Project, Festus, MO

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice extending the deadline for requesting a hearing and correcting information regarding the procedure for requesting a hearing.

DATES: Any request for a hearing must be filed by October 5, 2009.

FOR FURTHER INFORMATION CONTACT: John J. Hayes, Project Manager, Materials Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Two White Flint North, Mail Stop T8F5, 11545 Rockville Pike, Rockville, Maryland 20852–2738; Telephone: (301) 415–5928; fax number: (301) 415–5928; e-mail: *john.hayes@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

On July 6, 2009, the U.S. Nuclear Regulatory Commission (NRC or Commission) provided notice in the **Federal Register** of the opportunity to request a hearing on Westinghouse Electric Company LLC's application for a license amendment that would allow it to dispose of NRC-licensed material at a U.S. Ecology facility near Grand View, Idaho. The deadline for requesting a hearing stated in the **Federal Register** notice was September 4, 2009.

The NRC is extending the deadline for requesting a hearing on Westinghouse's application until October 5, 2009. The NRC is also providing corrected information regarding the procedure for requesting a hearing. As explained below, any hearing request must be served in accordance with the NRC's E-Filing rules in Subpart C of 10 CFR Part 2. Finally, the NRC is providing a corrected reference number for one document listed in the July 6, 2009 Federal Notice.

II. Background

By letter dated May 21, 2009, the NRC received a license amendment application from Westinghouse Electric Company LLC (WEC or the licensee), pertaining to its planned disposal of NRC-licensed source, byproduct and special nuclear material. Regarding this material, WEC seeks approval, pursuant to 10 CFR 20.2002, of proposed disposal procedures which are not otherwise authorized by NRC regulations. WEC holds NRC License No. SNM–00033, which authorizes the licensee to conduct decommissioning activities at its former fuel cycle facility located in Festus, Missouri. The amendment request seeks authorization allowing WEC to transfer decommissioning waste to U.S. Ecology Idaho, Inc., a Resource Conservation and Recovery Act (RCRA) Subtitle C disposal facility located near Grand View, Idaho. This facility is regulated by the Idaho Department of Environmental Quality, and is not an NRC-licensed facility. Pursuant to 10 CFR 30.11 and 70.17, WEC's application also requested exemptions from the licensing requirements of 10 CFR 30.3 and 70.3 for the byproduct and special nuclear material it seeks to transfer. These exemptions are necessary because the disposal of byproduct and special nuclear material must occur at a facility licensed to possess such material, and the U.S. Ecology Idaho facility has no NRC license.

An NRC administrative review, documented in a letter to Westinghouse dated June 19, 2009, found the alternate disposal application acceptable to begin a technical review. If the NRC approves the Westinghouse request, the approval will be documented in an amendment to NRC License No. SNM–00033. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the National Environmental Policy Act. These findings will be documented, respectively, in a Safety Evaluation Report (SER), and in a separate environmental assessment performed by the NRC.

III. Opportunity To Request a Hearing

On July 6, 2009, the NRC provided notice of Westinghouse's application for the license amendment described above. In accordance with the general requirements in Subpart C of 10 CFR Part 2, any person whose interest may be affected by this proceeding and who desires to participate as a party must file a written request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing. Any person filing a hearing request must do so by October 5, 2009.

As required by 10 CFR 2.309, a hearing request or petition for leave to intervene shall set forth with particularity the interest of the requestor/petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The request should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the person submitting the hearing request or petition to intervene must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the requester intends to rely in proving the contention at the hearing. The requestor must also provide references to those specific sources and documents of which the requester is

aware and on which the requestor intends to rely to establish those facts or expert opinion. The hearing request must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the requestor/petitioner should contact the Office of the Secretary by e-mail at *HEARING.DOCKET@NRC.GOV,* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor/petitioner will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a requestor/petitioner has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, he or she can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The Meta-System Help Desk can be contacted by telephone at 1–866–672–7640 or by e-mail at *MSHD.Resource@nrc.gov.*

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp* unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submissions.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: Request for Alternate Disposal Approval and Exemption for Specific Hematite Project Waste (ML091480071) (this number corrects the reference provided in the July 6, 2009 **Federal Register** Notice); and Review Acceptance Letter to

Westinghouse on 10 CFR 20.2002 Alternate Disposal Request for Hematite (ML091690253). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov*.

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, Maryland 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 4th day of September 2009.

For the Nuclear Regulatory Commission.

Keith McConnell,

Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E9–22183 Filed 9–14–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0403]

Notice of Opportunity for Public Comment on the Proposed Model Safety Evaluation for Plant-Specific Adoption of Technical Specification Task Force Traveler-446, Revision 3, ''Risk Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791)''

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of opportunity for public comment.

SUMMARY: The NRC is requesting public comment on the enclosed proposed model safety evaluation, model no significant hazards consideration determination, and model application for plant-specific adoption of Technical Specification Task Force (TSTF) Traveler-446, Revision 3, ''Risk Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791).'' The TSTF Traveler-446, Revision 3 is available in the Agencywide Documents Access Management System (ADAMS) under Accession Number ML080510164. The proposed changes would revise technical specification (TS) containment isolation valve (CIV) completion times for Westinghouse plants. This model safety evaluation will facilitate expedited approval of plant-specific adoption of TSTF Traveler-446, Revision 3.

DATES: Comment period expires October 15, 2009. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2009–0403 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. 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.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2009–0403. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

Mail comments to: Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Division of Administrative Services, Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to RDB at (301) 492–3446.

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*. The Proposed Model Safety Evaluation for Plant-Specific Adoption of Technical Specification Task Force Traveler-446, Revision 3, ''Risk Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791)'' is available electronically under ADAMS Accession Number ML092260664.

Federal Rulemaking Web site: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2009–0403.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle C. Honcharik, Senior Project Manager, Special Projects Branch, Mail Stop: O–12 D1, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone 301–415–1774 or e-mail at *michelle.honcharik@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

This notice provides an opportunity for the public to comment on proposed changes to the Standard TS (STS) after a preliminary assessment and finding by the NRC staff that the agency will likely offer the changes for adoption by licensees. This notice solicits comment on a proposed change to the STS that modifies the TS. The NRC staff will evaluate any comments received for the proposed change to the STS and reconsider the change or announce the availability of the change for adoption by licensees. Licensees opting to apply for this TS change are responsible for reviewing the NRC staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. The NRC will process and note each amendment application responding to the notice of availability according to applicable NRC rules and procedures.

Applicability

TSTF Traveler-446, Revision 3, is applicable to all Westinghouse nuclear power reactors. The Traveler requires that a licensee's plant-specific application must: (a) address or meet the requirements stated in Pressurized Water Reactor Owners' Group (PWROG) (formerly Westinghouse Owners' Group) Topical Report (TR) WCAP–15791–NP–

A, Revision 2, ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times,'' and (b) address or meet the requirements stated in Nuclear Energy Institute (NEI) 99–04, Revision 0, ''Guidelines for Managing NRC Commitment Changes,'' (ADAMS Accession No. ML003680088), and (c) include a demonstration of probabilistic risk assessment (PRA) quality for the licensee's Tier 3 assessments. The NRC staff approved NEI 99–04, by letter dated March 31, 2000 (ADAMS Accession No. ML003679799). The NRC issued the final safety evaluation (SE) for TR WCAP–15791–P, Revision 2, on February 13, 2008 (ADAMS Accession No. ML080170680). The PWROG issued accepted proprietary and non-proprietary versions of the WCAP (ADAMS Package Accession No. ML003696998). To efficiently process the incoming license amendment requests (LARs), the NRC staff requests that each licensee applying to implement the changes proposed in TSTF Traveler-446 include documentation regarding the technical adequacy of the PRA consistent with the requirements of Section 4.2 of Regulatory Guide (RG) 1.200, Revision 2, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' dated March 1, 2009 (ADAMS Accession No. ML090410014). Applicants proposing to use PRA models for which NRC-endorsed standards do not exist must submit documentation that identifies the characteristics of those models consistent with Sections 1.2 and 1.3 of RG 1.200 or identify and justify the methods to be applied for assessing the risk contribution for those sources of risk not addressed by PRA models.

The proposed change does not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF Traveler-446, Revision 3. However, significant deviations from the approach recommended in this notice or the inclusion of additional changes to the license require additional NRC staff review. This may increase the time and resources needed for the review or result in NRC staff rejection of the LAR. Licensees desiring significant deviations or additional changes should instead submit an LAR that does not claim to adopt TSTF Traveler-446, Revision 3.

Dated at Rockville, Maryland, this 2nd day of September 2009.

For the Nuclear Regulatory Commission,

Stacey L. Rosenberg,

Chief, Special Projects Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

Proposed Model Application for Plant-Specific Adoption of TSTF Traveler-446, Revision 3, ''Risk Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791)''

Subject: Plant Name

Docket No. 50—

Application For Technical Specification Change Regarding Risk-Informed Justification For Containment Isolation Valve Allowed Outage Time Changes

Dear Sir or Madam:

In accordance with the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.90, ''Application for Amendment of License, Construction Permit, or Early Site Permit,'' [LICENSEE] is submitting a request for an amendment to the technical specifications (TS) for [PLANT NAME, UNIT NOS.].

The proposed amendment would modify [LICENSEE] technical specifications (TS) requirements for allowed outage time changes for containment isolation valves with the implementation of Topical Report WCAP–15791–NP–A, Revision 2, ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times.''

Attachment 1 provides a description of the proposed change, the requested confirmation of applicability, and plant-specific verifications. Attachment 2 gives the existing TS pages marked to show the proposed change. Attachment 3 provides revised (clean) TS pages. Attachment 4 summarizes the regulatory commitments made in this submittal. Attachment 5 provides the proposed changes to the TS Bases. Attachment 6 provides the statement of proposed No Significant Hazards Consideration.

[LICENSEE] requests approval of the proposed license amendment by [DATE], with the amendment being implemented [BY DATE OR WITHIN X DAYS].

In accordance with 10 CFR 50.91, ''Notice for Public Comment; State Consultation,'' a copy of this application, with attachments, is being provided to the designated [STATE] Official.

I declare [or certify, verify, state] under penalty of perjury that the foregoing is correct and true.

Executed on [date] [Signature]

If you should have any questions about this submittal, please contact [NAME, TELEPHONE NUMBER].

Sincerely,

[Name, Title]

Attachments:

1. Description and Assessment
2. Proposed Technical Specification Changes
3. Revised Technical Specification Pages
4. Regulatory Commitments
5. Proposed Technical Specification Bases Changes
6. Proposed No Significant Hazards Consideration

cc: U.S. Nuclear Regulatory Commission Regional Office
NRC Resident Inspector

ATTACHMENT 1

DESCRIPTION AND ASSESSMENT

1.0 DESCRIPTION

The proposed amendment would modify technical specifications (TS) requirements for allowed outage times for containment isolation valves (CIVs) associated with the implementation of Topical Report (TR) WCAP–15791–NP–A, Revision 2, ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times for Westinghouse Plants.''

The changes are consistent with the U.S. Nuclear Regulatory Commission's (NRC's) approved industry/Technical Specification Task Force (TSTF) Standard TS (STS) change, TSTF Traveler-446, Revision 3 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML080510164). The Federal Register notice published on [DATE] announced the availability of this TS improvement.

2.0 ASSESSMENT

2.1 Applicability of Published Safety Evaluation

[LICENSEE] has reviewed the model safety evaluation (SE) dated [DATE]. The [LICENSEE] has also reviewed the NRC staff SE (ADAMS Accession No. ML080170680) approving TR WCAP–15791–NP–A, Revision 2, and the requirements specified in Nuclear Energy Institute (NEI) 99–04, ''Guidelines for Managing NRC Commitment Changes,'' (ADAMS Accession No. ML003680088). [LICENSEE] has concluded that the justifications presented in the TSTF proposal and the SE are applicable to [PLANT, UNIT NOS.] and justify this amendment for the incorporation of the changes to the [PLANT] TS.

2.2 Optional Changes and Variations

[LICENSEE] is not proposing any variations or deviations from the STS changes described in TSTF Traveler-446, Revision 3, and the NRC staff's model safety evaluation, dated [DATE].

[If the licensee proposes variations or deviations, then the licensee needs to describe and justify these variations/deviations and include a statement, such as, the proposed amendment is consistent with the STS changes described in TSTF Traveler-446, Revision 3, but [LICENSEE] proposes variations or deviations from TSTF Traveler-446, as identified and justified below.]

3.0 REGULATORY ANALYSIS

3.1 No Significant Hazards Consideration

[LICENSEE] has reviewed the proposed no significant hazards consideration (NSHC) published in the Federal Register [DATE] ([ ] FR [ ]). [LICENSEE] has concluded that the proposed NSHC presented in the Federal Register notice is applicable to [PLANT NAME, UNIT NOS.] and is provided as Attachment [6] to this amendment request, which satisfies the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Section 50.91(a). [LICENSEE] has forwarded the NSHC to the appropriate State officials.

3.2 Verifications, Commitments, and Additional Information Needed

[LICENSEE] has demonstrated the applicability of TSTF Traveler-446, Revision 3, to [PLANT NAME, UNIT NOS] by addressing requirements specified in TR WCAP–15791–NP–A, Revision 2, in this license amendment request (LAR). This LAR provides the plant-specific information on limitations and conditions specified in Section 4.0 and the additional information specified in Section 5.0 of the SE approving TR WCAP–15791–NP–A, Revision 2. In addition, consistent with TSTF Traveler-446, [LICENSEE] must demonstrate in this LAR applicable documentation/evaluation for Items 3.2.1 through 3.2.12 as noted below.

3.2.1 Demonstration (Simultaneous LCO Entry Consideration)

Option A:

[LICENSEE] has incorporated new Condition D in TS [LCO 3.6.3 ''Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual),''] as specified in TSTF Traveler-446, Revision 3.

Option B:

[If the licensee did not incorporate Condition D, then it must demonstrate that the potential for any cumulative risk impact of failed CIVs and multiple CIV LCO entries was evaluated by the licensee. In addition, the licensee must demonstrate that the licensee's Tier 3 risk management program addresses the possibility of simultaneous LCO entries for inoperable CIVs in separate penetrations. The licensee must provide sufficient information such that defense-in-depth for safety systems will be maintained.]

Discussion:

TR WCAP–15791–NP–A, Revision 2, is based on only one CIV being in maintenance at any given time. The TR states that multiple systems are not expected to be out of service simultaneously during extended completion times (CTs), but it does not preclude the practice. Although TS LCO 3.6.3, Note 2, allows a separate condition entry for each penetration flow path, proposed Condition D addresses an inoperable CIV in more than one penetration flow path and limits the CT to 4 hours. If the licensee's proposed TS change does not include this Condition D, then the licensee's application must demonstrate that the potential for any cumulative risk impact of failed CIVs and multiple CIV LCO entries has been evaluated and is acceptable. The licensee must demonstrate that its Tier 3 risk management program, in accordance with 10 CFR 50.65(a)(4), will address the possibility of simultaneous LCO entries of inoperable CIVs in separate penetrations to maintain defense-in-depth for safety systems.

3.2.2 Demonstration (Penetration Configuration)

Option A:

[LICENSEE] has incorporated new Condition D in TS [LCO 3.6.3] as specified in TSTF Traveler-446, Revision 3.

Option B;

[If the licensee did not incorporate Condition D, then it must demonstrate that the remaining CIVs in the affected penetration flow path (or another penetration flow path) are closed before entering the extended CT for the inoperable CIV and that the risk impacts (i.e., core damage frequency (CDF), large early release frequency (LERF), incremental conditional core damage probability (ICCDP) and incremental conditional large early release probability (ICLERP)) were evaluated by the licensee.]

Discussion:

The existing and proposed TS LCO 3.6.3 must not allow multiple simultaneous extended CIV CTs to occur for more than 4 hours, which is the existing CT for an inoperable CIV in LCO 3.6.3. This is to meet the TR assumption that only one valve within a single penetration can be in maintenance at a time (i.e., for more than the 4 hours allowed by the current LCO 3.6.3 Condition A). The existing LCO 3.6.3 Condition B, and the proposed LCO 3.6.3 Conditions A and D, ensure that this assumption is being met. If the TS do not prevent this case (i.e., Condition D is not adopted), then this case must be evaluated in the plant-specific applications to demonstrate that the risk-impact assumptions of CDF, LERF, ICCDP and ICLERP remain less than the acceptance guidelines in Regulatory Guide (RG) 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' and RG 1.177, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications.'' Also, the plant-specific application must address whether the position of the remaining CIVs in the affected penetration flow path (or another penetration flow path) have been confirmed before entering the extended CT for the inoperable CIV.

3.2.3 Demonstration (Failed CIVs and Multiple CIV LCO Entries)

Option A:

[LICENSEE] has incorporated new Condition D in TS [LCO 3.6.3] as specified in TSTF Traveler-446, Revision 3.

Option B:

[If the licensee did not incorporate Condition D then it must demonstrate that the cumulative risk impact of failed CIVs and multiple CIV LCO entries was evaluated, and that remaining CIVs in the affected penetration flow path (or another penetration flow path) are closed prior to entering the extended CT. In addition, the licensee must demonstrate that the licensee's Tier 3 risk management program address the possibility of simultaneous LCO entries for inoperable CIVs in separate penetrations. The licensee must provide sufficient information such that defense-in-depth for safety systems will be maintained.]

Discussion:

The licensee needs to address how the following basis and general assumptions of TR WCAP–15791–NP–A, Revision 2, are incorporated in the specific plant practices, procedures, TS, and probabilistic risk assessment (PRA):

- Only one CIV is in maintenance with an extended CT at any given time. This is a Tier 2 requirement, unless the

licensee has proposed the additional STS LCO 3.6.3 Condition D in its plant-specific application.

• Before maintenance or corrective maintenance (repair) is performed on a CIV, the TR evaluation assumes that any other CIVs in the penetration flow path have been checked to ensure that they are in their proper position. This is a Tier 2 requirement.

• Multiple systems are not expected to be out of service simultaneously during the extended CTs.

3.2.4 Demonstration (CIV Configuration)

Option A:

[LICENSEE] has confirmed that (a) the CIV configurations for [PLANT NAME, UNIT NOS.] match the configurations in TR WCAP–15791–NP–A, Revision 2, and (b) the risk-parameter values used in the TR are representative or bounding for [PLANT NAME, UNIT NOS].

Option B:

[If the licensee's does not confirm the above, it must provide justification for the deviation.]

Discussion:

Not all penetrations have the same impact on CDF, LERF, ICCDP, or ICLERP; therefore, the licensee needs to address the applicability of TR WCAP–15791–NP–A, Revision 2, to the specific plant. This analysis must include verification that (a) the CIV configurations for the specific plant match the configurations in the TR and (b) the risk-parameter values used in the TR are bounding for the specific plant. Any additional CIV configurations and extended CTs, not specifically evaluated by the TR, or nonbounding risk-parameter values outside the scope of the TR, will require an NRC staff review of the specific penetrations and related justifications for the proposed CTs.

3.2.5 Demonstration (Tier 2 Evaluation)

Option A:

[LICENSEE] has demonstrated that its Tier 2 evaluation has identified potentially high-risk plant configurations associated with the proposed CIV CTs that should not be entered while a CIV is in maintenance, and how these controls have been implemented by the licensee.

Option B:

[If the licensee's evaluation identifies no risk-significant plant configurations associated with the proposed CIV CTs, then it must provide justification/evaluation and state applicable compensatory measures or commitments.]

Discussion:

A Tier 2 conclusion of the TR as applicable to the specific plant, or the plant-specific Tier 2 requirements must be provided by the licensee.

3.2.6 Demonstration (Tier 3 Evaluation)

[LICENSEE] has addressed Tier 3 evaluation for [PLANT NAME, UNIT NOS.] by demonstrating conformance to the requirements of the maintenance rule as the requirements relate to the proposed CIV CTs and the guidance contained in the Nuclear Management and Resources Council (NUMARC) document, NUMARC 93–01, ''Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants,'' Revision 2, Section 11, issued April 1996, as endorsed by RG 1.182, ''Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants.'' [LICENSEE] has provided documentation on the [LICENSEE'S] maintenance rule program, with respect to CIVs, includes a LERF/ICLERP (i.e., ICLERP as defined in NUMARC 93–01) assessment as part of the maintenance rule process, and that the PRA quality is adequate, as part of the basis of a risk-informed licensing action.

Discussion:

The licensee needs to describe its configuration risk management program (CRMP) or maintenance rule (10 CFR 50.65(a)(4)) program (as appropriate), including how it reflects the current PRA model, any simplifications or deviations in the CRMP model from the current plant model, and methods to update the CRMP to reflect the current plant-specific model.

The licensee needs to address the Tier 3 aspects of RG 1.177, including a description of the CRMP, and confirm that the licensee's Maintenance Rule Program (10 CFR 50.65(a)(4)) meets all aspects of Section 2.3.7.2 of RG 1.177, including the referenced four key components.

Also, the licensee needs to confirm that the plant (units) conform to the requirements of the maintenance rule, as they relate to the proposed CIV CTs and the guidance contained in NUMARC 93–01, Section 11, as endorsed by RG 1.182, including verification that the maintenance rule program, with respect to CIVs, includes a LERF and ICLERP assessment, as part of the maintenance rule process, and that the CRMP is adequate, as part of the basis for evaluating the risk impact of CIV maintenance configurations. The licensee needs to confirm that its CRMP model calculates ICCDP (or ICDP) and ICLERP (or ILERP) and that the licensee's model is capable of modeling CIVs or has been modified to include CIVs.

3.2.7 Demonstration (Plant-Specific PRA Quality)

[LICENSEE] has demonstrated that the plant-specific PRA quality is acceptable for Tier 3 application, in accordance with the guidelines given in RG 1.174 and RG 1.177.

Discussion:

The licensee needs to describe the scope of the plant-specific PRA and justify its technical adequacy for this application, in accordance with the guidance provided in RG 1.174 and RG 1.177. Specifically, the supporting documentation needs to address each area in sufficient detail to satisfy the following:

• Assurance that the plant-specific PRA reasonably reflects the as-built, as-operated plant.

• Assurance that plant-specific PRA updates, including any plant improvements or commitments cited and credited in the analysis, have been implemented from the individual plant evaluation (IPE) and the IPE for external events (IPEEE) and subsequent peer reviews and self-assessments. Reference to past submittals discussing this information is acceptable.

• Assurance that conclusions from the peer review, including facts and observations (A and B), that are applicable to proposed extended CTs for CIVs were considered and resolved consistent with RG 1.200, Revision 2. If not resolved, the licensee must provide the justification for the acceptability of the conclusions (e.g., sensitivity studies showing negligible impact). The licensee should indicate the PRA revisions that underwent the peer review and were used in the plant-specific application.

• Assurance that there is PRA configuration control and updating, including PRA quality assurance programs, associated procedures, and PRA revision schedules.

• Assurance that there is PRA adequacy, completeness, and applicability with respect to evaluating the risk associated with the proposed CIV CT extensions.

• Assurance that plant design or operational modifications that are related to or could affect the proposed CT extensions are reflected in the PRA revision used in the plant-specific application or that a justification is provided for not including these modifications in the PRA.

As clarified in Regulatory Issue Summary 2007–06, ''Regulatory Guide 1.200 Implementation,'' dated March 22, 2007, the NRC staff will use RG 1.200 to assess the technical adequacy of all risk-informed applications received

after December 2007. RG 1.200, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' describes an acceptable approach for defining the technical adequacy of an acceptable base PRA. This assessment can be performed by directly comparing the base PRA to the supporting requirements in the endorsed American Society of Mechanical Engineers (ASME) Standard RA–Sb–2005 and addressing the NRC staff position on each requirement discussed in Appendix A to RG 1.200. Alternatively, a licensee can perform the assessment starting with the results of a previous peer review, performed in accordance with the process documented in NEI 00–02 and addressing the NRC staff position on each requirement discussed in Appendix B to RG 1.200.

3.2.8 Demonstration (External Events Risk)

[LICENSEE] has demonstrated that external events risk is bounded by TR WCAP–15791–NP–A, Revision 2, assumptions and will not have an adverse impact on the conclusions of the [PLANT NAME, UNIT NOS.] analysis for extending the CIV CTs.

Discussion:

External events may include seismic, high winds, fires, floods, or other related events applicable to each licensee. The licensee needs to demonstrate, by either quantitative or qualitative means, that external event risk will not have an adverse impact on the conclusions of the plant-specific analyses with respect to the TR evaluation. For some participating plants, internal fires and other external event risks may contribute significantly to the overall plant baseline risk, which may affect TR WCAP–15791, so that a plant-specific application of the TR methodology may not be found acceptable in all cases. Specifically, the risk from external events should not make the total baseline risk exceed 1E-4/yr CDF or 1E-5/yr LERF without justification.

The licensee's submittal must discuss the plant risk associated with external events and specifically identify (quantitatively or qualitatively) that the impact of the proposed CIV CTs on the risk associated with external events is small. The licensee needs to confirm that any increase in external event risk associated with the proposed CIV CTs should be minimal. The licensee must address this impact and discuss why the risk of external events (including internal fires) is negligible. Insights from IPEEE screening or quantitative approaches may be used to support the licensee's evaluations.

If the licensee has performed an updated analysis of an external event since the NRC staff review of the licensee's IPEEE, and a quantitative PRA demonstration is used to support the submittal, the licensee needs to describe the significant changes involved in its updated analysis and the impact of these changes on plant risk associated with the external event and the proposed CIV CT extensions.

For external events for which the licensee has a PRA, the licensee needs to provide the change in CDF, the change in LERF, the ICCDP, and the ICLERP associated with specifically analyzed external events. The licensee needs to also provide the total plant risk and total change in risk from all PRA contributors (the combination of internal events, internal flooding, internal fires, and external events). To conclude that the quantified risk associated with the proposed CIV CTs is acceptable, the total CDF and LERF values and the change in CDF, change in LERF, ICCDP, and ICLERP must meet the acceptance guidelines of RG 1.174 and RG 1.177.

For external events not included in the plant PRA but that rely on a non-PRA method (e.g., seismic margins analysis or fire-induced vulnerability evaluation) to confirm that plant risk remains acceptable, the licensee must confirm the following: a) that there are no vulnerabilities or outliers associated with these external events, b) that any vulnerabilities or outliers that were identified have been resolved, or c) that appropriate plant modifications have been implemented according to the licensee's analysis.

3.2.9 Demonstration (CIV Availability Monitoring)

[LICENSEE] has demonstrated for [PLANT NAME, UNIT NOS.] how plant-specific CIV availability is monitored and assessed at the plant under the maintenance rule, and that, performance continues to be consistent with the analysis assumptions used to justify extended CIV CTs, including the assumptions in TR WCAP–15791.

Discussion:

The licensee needs to address how CIV availability is monitored and assessed under the maintenance rule, which includes confirmation that performance continues to be consistent with the analysis assumptions used to justify extended CIV CTs and needs to describe what actions are to be taken if a previously approved risk-informed licensing action is found to no longer meet the acceptance guidelines of RG 1.174 and RG 1.177.

3.2.10 Demonstration (Cumulative Risk Evaluation)

[LICENSEE] has demonstrated that the cumulative risk has been evaluated for [PLANT NAME, UNIT NOS.] in accordance with guidance in RG 1.174, with respect to past [PLANT NAME, UNIT NOS.] license amendments or additional [PLANT NAME, UNIT NOS.] applications for a TS change under NRC review that have not been incorporated into the baseline PRA used to evaluate the proposed change.

Discussion:

The cumulative risk impact of the proposed CT extensions for CIVs must be addressed in the plant-specific application, in accordance with the acceptance guidelines in RG 1.174. The cumulative risk impact must include both previous plant license changes and additional plant applications still under review.

3.2.11 Demonstration (PRA Uncertainty)

[LICENSEE] has demonstrated that uncertainty caused by plant PRA models is addressed in the [PLANT NAME, UNIT NOS.] submittal according to RG 1.174 guidance.

Discussion:

Licensee needs to address that uncertainty due to plant PRA models do not significantly impact the risk assessment results and decisions regarding acceptability.

3.2.12 Demonstration (Regulatory Commitment)

[LICENSEE] has incorporated a regulatory commitment addressing how LERF/ICLERP is assessed and has provided documentation in the [PLANT NAME, UNIT NOS.] submittal.

Discussion:

Licensee needs to address the plant CRMP, including the maintenance rule program implemented under 10 CFR 50.65(a)(4), and explain how the LERF/ICLERP is assessed in the program.

4.0 ENVIRONMENTAL EVALUATION

[LICENSEE] has reviewed the environmental evaluation included in the proposed safety evaluation dated [DATE]. [LICENSEE] has concluded that the proposed determination presented in the notice is applicable to [PLANT NAME, UNIT NOS.] and the determination is provided as an attachment to this LAR to satisfy the requirements of 10 CFR 50.91(a).

Attachment 2: Proposed Technical Specification Changes (Mark-Up)

Attachment 3: Proposed Technical Specification Pages

Attachment 4: List Of Regulatory Commitments

The following table identifies those actions committed to by [LICENSEE] in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments. Please direct questions regarding these commitments to [CONTACT NAME].

Regulatory commitments	Due date
[LICENSEE] commits to implementing a methodology for assessing the effect on large early release frequency and incremental conditional large early release probability when using the extended completion times for containment isolation valves in the program for managing risk in accordance with 10 CFR 50.65(a)(4).	[Complete, implemented with amendment, OR within X days of implementation of amendment].

Attachment 5: Proposed Changes To Technical Specification Bases

Attachment 6: Proposed No Significant Hazards Consideration

Proposed Model No Significant Hazards Consideration Determination for Plant-Specific Adoption of Tstf Traveler-446, Revision 3, ''Risk Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (Wcap-15791)''

Description of Amendment Request: The change requests the adoption of an approved change to the standard technical specifications (STS) for Westinghouse plants (NUREG–1431), to allow modification of containment isolation valve (CIV) completion times associated with the implementation of topical report (TR) WCAP–15791–NP–A, Revision 2. ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times,'' dated March 10, 2006. Technical Specification Task Force (TSTF) Traveler-446, Revision 3, ''Risk Informed Evaluation of Containment Isolation Valve Completion Times (Topical Report WCAP–15791–P, Revision 2),'' dated February 19, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML080510164). The Notice of Availability published in the Federal Register on [Date] [xx FR xxxxx] described the proposed change.

The proposed change extends the completion times for containment penetration flow paths with one CIV inoperable from 4 hours up to 168 hours (7 days) for Westinghouse plants. This change is applicable to containment penetrations with one or more CIVs, in which one CIV is inoperable [for reasons other than shield building bypass or purge valve leakage not within limit] and where the CIV is either intact or not intact. In addition, this change addresses conditions where there are two or more penetration flow paths with one CIV inoperable (for reasons other than that the shield building bypass or purge valve leakage are not within limits). Basis for proposed no significant hazards consideration:

As required by Title10 of the Code of Federal Regulations (10 CFR) Section 50.91(a), the [LICENSEE] analysis of the issue of no significant hazards consideration is presented below:

1: Does the Proposed Change Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated?

Response: No.

The proposed changes to the completion times do not change the response of the plant to any accidents, have no impact on the reliability of the CIV, and have an insignificant impact on the availability of the CIVs. The proposed changes will not result in a significant increase in the risk of plant operation. This is demonstrated by showing that the impact on plant safety, as measured by core damage frequency (CDF) and large early release frequency (LERF), is not significantly increased, and is acceptable. In addition, for the completion time change, the incremental conditional core damage probabilities (ICCDP) and incremental conditional large early release probabilities (ICLERP) are also acceptable. These changes are consistent with the acceptance guidelines in Regulatory Guide (RG) 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' and RG 1.177, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications.''

The proposed changes do not adversely affect accident initiators or precursors nor do they alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not alter or prevent the structures, systems, and components from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Furthermore, the proposed changes do not increase the types or amounts of radioactive effluent that may be released offsite, nor do they significantly increase individual or cumulative occupational or public radiation exposures. The proposed changes do not invalidate the safety analysis assumptions and resultant consequences. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2: Does the Proposed Change Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated?

Response: No.

The proposed changes do not result in a change in the manner in which the CIVs provide plant protection. No design changes are associated with the proposed changes. The changes to completion times do not change any existing accident scenarios nor do they create any new or different accident scenarios. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods

governing normal plant operation. In addition, the changes do not impose any new or different requirements or eliminate any existing requirements. The proposed changes do not alter assumptions made in the safety analysis and do not invalidate the safety analysis assumptions and current plant operating practice.

3: Does the Proposed Change Involve a Significant Reduction in a Margin of Safety?

Response: No.

The proposed changes do not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The calculated impact on risk is consistent with the acceptance guidelines contained in RG 1.174 and RG 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above, the licensee concludes that the requested change does not involve a significant hazards consideration, as set forth in 10 CFR 50.92(c), ''Issuance of Amendment.''

Proposed Model Safety Evaluation for Plant-Specific Adoption of Technical Specification Task Force Traveler-446, Revision 3, ''Risk Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791)''

1.0 INTRODUCTION

By letter dated [DATE], [LICENSEE] (the licensee) proposed changes to the technical specifications (TS) for [PLANT NAME]. The requested change is the adoption of NRC-approved Technical Specification Task Force (TSTF) Traveler-446, Revision 3, ''Risk Informed Evaluation of Containment Isolation Valve Completion Times (Topical Report WCAP–15791–NP–A, Revision 2) RITSTF Initiative 4b,'' dated February 19, 2008 (Agencywide Documents Access Management System (ADAMS) Accession No. ML080510164). TSTF Traveler-446 proposes a generic change to NUREG–1431, Revision 3, ''Standard Technical Specifications Westinghouse Plants,'' issued June 2004, to implement containment isolation valve (CIV) completion time changes associated with the implementation of Topical Report (TR) WCAP–15791, Revision 1, ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times,'' dated April 30, 2004. When implemented, the traveler would extend the CIV completion times for TS Limiting Condition for Operation (LCO) 3.6.3, ''Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual),'' from 4 hours up to 168 hours (7 days). (For isolation valves that cannot demonstrate acceptable results for 168 hours, shorter times are considered and evaluated).

2.0 REGULATORY EVALUATION

In Title 10 of the Code of Federal Regulations (10 CFR) Section 50.36, ''Technical Specifications,'' the NRC established its regulatory requirements related to the content of TS. Pursuant to 10 CFR 50.36, TS are required to include items in the following five specific categories related to station operation: (1) safety limits, limiting safety system settings, and limiting control settings, (2) LCOs, (3) surveillance requirements, (4) design features, and (5) administrative controls. However, the regulation does not specify the particular TS to be included in a plant's license. TSTF Traveler-446 is proposing changes to the TS LCO that concern the Category 2 requirements. The LCOs are the lowest functional capability, or performance levels, of equipment required for safe operation of the facility. When an LCO of a nuclear reactor is not met, the licensee shall follow any remedial actions permitted by the TS until the condition can be met or shall shut down the reactor.

Furthermore, the completion times specified in the TS must be based on the reasonable protection of public health and safety. As set forth in 10 CFR 50.36, a licensee's TS must establish the LCOs that are the lowest functional capability, or performance levels, of equipment required for safe operation of the facility. This requirement includes completion times for structures, systems, and components (SSCs), such as CIVs. These completion times allow a certain amount of time in which to correct a condition that does not meet the LCO before the reactor must be brought to a condition that exits the mode of applicability, in most cases resulting in the reactor being shut down.

The Maintenance Rule, 10 CFR 50.65, ''Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants,'' requires licensees to monitor the performance, or condition, of SSCs against licensee-established goals in a manner sufficient to provide reasonable assurance that SSCs are capable of fulfilling their intended functions. The implementation and monitoring program guidance in Section 2.3 of Regulatory Guide (RG) 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' and Section 3 of RG 1.177, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications,'' states that monitoring performed in conformance with the Maintenance Rule can be used when such monitoring is sufficient for the SSCs affected by the risk-informed application. In addition, 10 CFR 50.65(a)(4), as it relates to the proposed extension of CIV completion times, requires the assessment and management of the increase in risk that may result from the proposed maintenance activity.

The CIVs help ensure that adequate primary containment boundaries are maintained during and after accidents by minimizing potential pathways to the environment and help ensure that the primary containment function assumed in the safety analysis is maintained. The following general design criteria (GDC) apply to this change and establish the necessary design, fabrication, construction, testing, and performance requirements for SSCs important to safety, which provide reasonable assurance that the facility can be operated without undue risk to the health and safety of the public. [Pre-GDC (PGDC) facilities not licensed under the GDC in Appendix A, ''General Design Criteria for Nuclear Power Plants,'' to 10 CFR Part 50, ''Domestic Licensing of Production and Utilization Facilities,'' are licensed under similar plant-specific design criteria, as described in the facility's licensing-basis documents (such as updated final safety analysis reports).]

- GDC 54 (or PGDC), ''Piping Systems Penetrating Containment,'' requires the following: Those piping systems that penetrate primary containment be provided with leak detection, isolation, and containment capabilities having redundancy, reliability, and performance capabilities that reflect the importance to safety of isolating these piping systems. Such piping systems shall be designed with a capability to test periodically the operability of the isolation valves and associated apparatus and to determine if valve leakage is within acceptable limits.
- GDC 55 (or PGDC), ''Reactor Coolant Pressure Boundary Penetrating Containment,'' requires the following: Each line that is part of the reactor coolant pressure boundary and that penetrates primary reactor containment shall be provided with CIVs as follows, unless it can be demonstrated that the containment isolation provisions for a

specific class of lines, such as instrument lines, are acceptable on some other defined basis:

(1) One locked closed isolation valve inside and one locked closed isolation valve outside containment; or

(2) One automatic isolation valve inside and one locked closed isolation valve outside containment; or

(3) One locked closed isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment; or

(4) One automatic isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment.

Isolation valves outside containment shall be located as close to containment as practical and upon loss of actuating power, automatic isolation valves shall be designed to take the position that provides greater safety.

Other appropriate requirements to minimize the probability or consequences of an accidental rupture of these lines or of lines connected to them shall be provided as necessary to assure adequate safety. Determination of the appropriateness of these requirements, such as higher quality in design, fabrication and testing, additional provisions for inservice inspection, protection against more severe natural phenomena, and additional isolation valves and containment, shall include consideration of the population density, use characteristics, and physical characteristics of the site environs.

• GDC 56 (or PGDC), ''Primary Containment Isolation,'' requires the following:

Each line that connects directly to the containment atmosphere and penetrates primary reactor containment shall be provided with CIVs as follows, unless it can be demonstrated that the containment isolation provisions for a specific class of lines, such as instrument lines, are acceptable on some other defined basis:

(1) One locked closed isolation valve inside and one locked closed isolation valve outside containment; or

(2) One automatic isolation valve inside and one locked closed isolation valve outside containment; or

(3) One locked closed isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment; or

(4) One automatic isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment.

Isolation valves outside containment shall be located as close to containment as practical and upon loss of actuating power, automatic isolation valves shall be designed to take the position that provides greater safety.

• GDC 57 (or PGDC), ''Closed System Isolation Valves,'' requires the following: Each line that penetrates the primary reactor containment and is neither part of the reactor coolant pressure boundary nor connected directly to the containment atmosphere shall have at least one CIV which shall be either automatic, or locked closed, or capable of remote manual operation. This valve shall be outside containment and located as close to the containment as practical. A simple check valve may not be used as the automatic isolation valve.

3.0 TECHNICAL EVALUATION

3.1 Probabilistic Risk Assessment (PRA) for the Proposed Changes

[LICENSEE] adoption of TSTF Traveler-446, Revision 3, would allow extending CIV completion times specified in TS [LCO 3.6.3, ''Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)'']. TR WCAP–15791–P–A, Revision 2, referenced in TSTF Traveler-446, Revision 3, describes a method to revise the completion time for specific conditions in TS LCO 3.6.3. The NRC staff reviewed, the risk impact, using the three-tiered approach referenced in RG 1.174 and RG 1.177 associated with the proposed TS changes. The first tier evaluates the probabilistic risk assessment and the impact of the proposed extension of completion times for CIVs on plant operational risk. The second tier addresses the need to preclude potentially high-risk plant equipment outage configurations by identifying the need for additional controls or compensatory actions to be implemented during the time a CIV is unavailable because of maintenance. The third tier evaluates the licensee's overall configuration risk management program and confirms that risk insights are incorporated into the decisionmaking process before equipment is taken out of service before or during CIV maintenance.

The NRC staff determined that the risk analysis methodology and approach used by TR WCAP–15791–NP–A, Revision 2, to estimate the risk impact was reasonable. The NRC staff stated that the risk impact of the proposed extended completion times for CIVs, as estimated by the change in CDF, the change in LERF, the ICCDP, and the ICLERP, is consistent with the acceptance guidelines specified in RG 1.174 and RG 1.177 and the associated NRC guidance outlined in Sections 16.1, 19.1, and 19.2 of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants.'' CIV configurations, completion times, or nonbounding risk analysis parameters not evaluated by TR WCAP–15791–NP–A, Revision 2, require additional justification of the specific penetrations for the proposed CIV completion times.

The NRC staff also noted that Tier 2, as presented in TR WCAP–15791–NP–A, Revision 2, did not identify generic Tier 2 risk-significant configurations as a result of the proposed CIV completion times. In its review of TR WCAP–15791, the NRC staff identified TS and analysis bases that allow only one CIV to be in maintenance with an extended completion time at any given time. In addition, before maintenance or corrective maintenance is performed, other CIVs in the penetration flow path shall be checked for proper position. The NRC staff's safety evaluation (SE), (ADAMS Accession No ML080170680) also noted that, for licensees adopting TR WCAP–15791, a plant-specific Tier 2 evaluation should be performed to confirm the conclusions of the subject WCAP concerning Tier 2 remaining applicable to the licensee's plant.

TR WCAP–15791–NP–A, Revision 2, did not address Tier 3, and therefore the NRC SE concluded that licensees adopting the subject TR would need to include an evaluation with respect to Tier 3 in their plant-specific application in accordance with the principles in RG 1.177.

The NRC-approved TR WCAP–15791–NP–A, Revision 2, for referencing in license applications to the extent specified and under the limitations and conditions stated in the TR and Section 4.0 of the NRC SE. In addition, per the SE, applications referencing TR WCAP–15791 must address items specified in Section 3.4, ''Regulatory Commitments,'' and Section 5.0, ''Additional Information Needed'' of the SE.

The licensee's plant-specific application requesting adoption of TSTF Traveler-446 evaluated the conditions, limitations, and additional information needed that are referenced in the Sections 3.4, 4.0, and 5.0 of the NRC SE of TR WCAP–15791–NP–A, Revision 2. In its application dated [DATE], the licensee provided supporting information for each of the conditions, limitations, and additional information

needed that are referenced in the NRC SE. The licensee's supporting information for each condition and limitation, as well as for the additional information needed, met the NRC staff's expectations and acceptance criteria [with the following exceptions: List any exceptions to the conditions and limitations or additional information required, as stated in the licensee's submittal, and include the NRC staff's evaluation and conclusions].

Technical Assessment for the Proposed Changes:

[LICENSEE] adoption of TSTF Traveler-446, Revision 3 would make changes to the TS [LCO 3.6.3, ''Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual),''] as follows:

• TSTF Traveler-446 revises [LCO 3.6.3], which states ''Each containment isolation valve shall be OPERABLE,'' to read ''Each containment isolation valve (CIV) shall be OPERABLE.'' Adding the abbreviation ''(CIV)'' to the LCO statement is editorial in nature and does not change the LCO requirement; therefore, this change is acceptable.

• TSTF Traveler-446 deletes the Condition A NOTE, which states ''Only applicable to penetration flow paths with two [or more] containment isolation valves.'' The existing Condition C, which is applicable to penetration flow paths with only one CIV and a closed system, is being deleted and replaced by a new Condition B. The new Condition B, along with the revised Condition A, accounts for all of the CIVs covered under existing Condition C; therefore, the Condition A NOTE is no longer required. Revised Condition A and new Condition B apply to all penetration flow paths with at least one CIV. This is consistent with the NRC SE of TR WCAP–15791 and is therefore acceptable.

• TSTF Traveler-446 revises Condition A's applicability from ''[for reasons other than Condition[s] D [and E]]'' to ''[for reasons other than Condition[s] E [and F]].'' This change is required by the addition of new Conditions B and D, which results in renumbering the conditions that follow Condition D. This change is editorial and does not result in a technical change; therefore, it is acceptable.

• TSTF Traveler-446 adds a new requirement to Condition A, which states ''Containment isolation valve pressure boundary intact.'' This is required to meet the entry condition for Condition A. This requirement is necessary, along with the addition of new Condition B, which is applicable when the CIV pressure boundary is not intact, because existing Condition C is being deleted. Existing Condition C is applicable to penetration flow paths with only one CIV and a closed system. In addition, revised Condition A and new Condition B are applicable to all conditions in which a CIV may be INOPERABLE. Revised Condition A, along with new Condition B, encompasses existing Condition C and is consistent with the NRC's SE for WCAP–15791; therefore, it is acceptable.

• TSTF Traveler-446 revises the existing 4-hour completion time for Condition A to completion times that range from 4 hours up to 7 days, depending upon the category of the applicable CIV (Category 1 through 7). This change has been evaluated and documented in the NRC SE of TR WCAP–15791. This change proposed by TSTF Traveler-446 is consistent with the NRC SE of TR WCAP–15791 and is therefore acceptable.

• TSTF Traveler-446 adds a new Condition B, which states ''One or more penetration flow paths with one containment isolation valve inoperable [for reasons other than Condition[s] E [and F]] AND containment isolation valve pressure boundary not intact.'' This new condition, in conjunction with revised Condition A, accounts for all situations where one or more CIVs become or are made inoperable. The new Condition B required actions and completion times are the same as those in the revised Condition A, with the exception of the Condition B category of valves. Condition A completion times apply to Category 1 through 7 valves and Condition B completion times apply to Category 8 through 14 valves. The addition of new Condition B has been evaluated and documented in the NRC SE of TR WCAP–15791. This change proposed by TSTF Traveler-446 is consistent with the NRC SE of TR WCAP–15791 and is therefore acceptable.

• TSTF Traveler-446 renames existing Condition B and Required Action B.1 as Condition C and Required Action C.1. In addition, existing Condition B wording, which states ''[for reasons other than Condition[s] D [and E]]'' is changed to ''[for reasons other than Condition[s] E [and F]].'' These changes are editorial in nature, are caused by adding conditions proposed by TSTF Traveler-446 that have been evaluated and documented in the NRC SE of TR WCAP–15791, and are therefore acceptable.

• TSTF Traveler-446 deletes the existing Condition C and Required Actions C.1 and C.2, which are applicable to penetration flow paths with only one CIV and a closed system. The existing Condition C entry condition is ''One or more penetration flow paths with one containment isolation valve inoperable.'' With revised Condition A and the addition of Condition B, this covers all CIVs that would have been applicable to existing Condition C. The required actions for revised Condition A and new Condition B are identical to the existing Condition C. The completion times for revised Condition A and new Condition B are changed from the existing Condition C time of 72 hours and have been evaluated and documented in the NRC SE of TR WCAP–15791. The deletion of existing Condition C is consistent with WCAP–15791, is accounted for by the revision to Condition A, and the addition of new Condition B, and is therefore acceptable.

• TSTF Traveler-446 adds a new Condition D, which states ''Two or more penetration flow paths with one containment isolation valve inoperable [for reasons other than Condition[s] E [and F]].'' This condition requires isolating all but one of the affected penetrations within 4 hours (the existing completion time for Condition A). Once this completion time is satisfied, and since revised Condition A and new Condition B will still be applicable, this essentially limits the completion times in Condition A and B to a single penetration. This added requirement enforces the basis of WCAP–15791 that only one CIV should be in maintenance at a time. This change addresses Section 4.0, ''Limitations and Conditions,'' items 1 and 2, in the NRC SE of TR WCAP–15791 and is therefore acceptable.

• TSTF Traveler-446 renames Conditions D, E, and F, along with Required Actions D.1, E.1, E.2, E.3, F.1, and F.2, as Conditions E, F, and G, along with Required Actions E.1, F.1, F.2, F.3, G.1, and G.2. With the addition of new Conditions B and D, and the deletion of current Condition C, the remaining conditions and required actions need to be renumbered. This change is editorial, results in no technical change, and is therefore acceptable.

4.0 SUMMARY AND CONCLUSIONS

The NRC staff has reviewed the [LICENSEE] proposed adoption of TSTF Traveler-446, Revision 3, to modify the TS requirements for allowed outage times for CIVs associated with the implementation of TR WCAP–15791–NP–A, Revision 2. The NRC staff has reviewed these changes for consistency with the current NUREG–1431 and found them to be consistent.

The NRC staff has concluded, on the basis of the considerations discussed

above, that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the [ ] State official was notified of the proposed issuance of the amendment. The State official had [(1) no comments or (2) the following comments—with subsequent disposition by the NRC staff].

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20, ''Standards for Protection Against Radiation.'' The NRC staff has determined that the amendment involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards considerations, and there has been no public comment on the finding [FR]. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

7.0 REFERENCES

1. ''Forwarding of TSTFs,'' dated October 21, 2002 (ADAMS Package Accession No. ML022960409).

2. ''TSTF Traveler-446, Revision 1, 'Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791),' '' dated January 31, 2005 (ADAMS Accession No. ML050460293).

3. WCAP–15791, Revision 2, ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times,'' (ADAMS Package Accession No. ML071550223).

4. ''TSTF Traveler-446, Revision 2, 'Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791),' '' dated January 11, 2007 (ADAMS Accession No. ML070110620).

5. ''TSTF Traveler-446, Revision 3, 'Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times (WCAP–15791),' '' dated February 19, 2008 (ADAMS Accession No. ML080510164).

6. NUREG–1431, ''Standard Technical Specifications Westinghouse Plants,'' Revision 3, June 2004 (ADAMS Accession No. ML041830612).

7. Nuclear Energy Institute 99–04, Revision 0, ''Guidelines for Managing NRC Commitment Changes,'' July 1999 (ADAMS Accession No. ML003680088).

8. Final Safety Evaluation (SE) of Westinghouse Owners Group (WOG) Topical Report (TR) WCAP–15791–P, Revision 2, ''Risk-Informed Evaluation of Extensions to Containment Isolation Valve Completion Times,'' dated February 13, 2008 (ADAMS Accession No. ML080170680).

[FR Doc. E9–22182 Filed 9–14–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

Field Hearings

AGENCY: Postal Regulatory Commission.

ACTION: Notice of field hearings.

DATES: (1.) September 16, 2009: field hearing, Independence, Ohio (1 p.m.) (2.) September 23, 2009, field hearing, Bronx, New York.

FOR FURTHER INFORMATION CONTACT: Ann C. Fisher, 202–789–6803 or *Ann.Fisher@prc.gov.*

SUPPLEMENTARY INFORMATION: This notice informs the public of the Commission's intention to hold public field hearings to supplement the record in this proceeding. The first field hearing will take place on Wednesday, September 16, 2009 at the Independence (Ohio) Civic Center. The hearing is scheduled to begin at 1 p.m. and to conclude at 4 p.m. The address for the Independence Civic Center is 6363 Selig Drive, Independence, Ohio 44131.

The second field hearing will take place on Wednesday, September 23, 2009 at O'Keefe Commons in O'Hare Hall on Fordham University's Rose Hill Campus. The hearing is scheduled to begin at 1 p.m. and to conclude at 4 p.m. The address for O'Hare Hall is 441 East Fordham Road, Bronx, New York 10458.

The format for presentations at the field hearings will consist of opening remarks by Chairman Ruth Y. Goldway and other Commissioners, testimony from invited witnesses, a question-and-answer session, and closing remarks. Witness lists and any changes affecting the dates, times or locations for the field hearings will be posted on the Commission's Web site.

The public is invited to attend the field hearings. Any attendee who needs special accommodations or has other questions about the field hearings should contact Ann C. Fisher, Director of Public Affairs and Government Relations, 202–789–6803 or *Ann.Fisher@prc.gov,* in advance.

Dated: September 10, 2009.

Judith M. Grady,

Acting Secretary.

[FR Doc. E9–22268 Filed 9–14–09; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

Site Visits

AGENCY: Postal Regulatory Commission.

ACTION: Notice of site visits.

DATES: 1. September 16, 2009: site visit, Cleveland, Ohio. 2. September 23, 2009, site visit, Jersey City, New Jersey.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, 202–789–6820 or *steven.sharfman@prc.gov.*

SUPPLEMENTARY INFORMATION: This notice informs the public of two site visits by Commissioners, assistants and other designated staff members. One visit is to the American Greetings Corporation, One American Way, Cleveland, Ohio 44144, on Wednesday, September 16, 2009.

The other is to the U.S. Postal Service's New Jersey Network Distribution Center, 80 County Road, Jersey City, New Jersey 07097–9998, on Wednesday, September 23, 2009.

The purpose of the visits is to increase familiarity with mailing practices and postal operations. For further information, contact Stephen L. Sharfman, 202–789–6820 or *stephen.sharfman@prc.gov.*

Dated: September 10, 2009.

Judith M. Grady,

Acting Secretary.

[FR Doc. E9–22272 Filed 9–14–09; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

TIMES AND DATES: 6 p.m., Monday, September 21, 2009; 1 p.m., Tuesday, September 22, 2009; and 8 a.m., Wednesday, September 23, 2009.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Monday, September 21 at 6 p.m. (Closed)

1. Financial Matters.
2. Strategic Issues.
3. Pricing.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

Tuesday, September 22 at 1 p.m. (Closed)

Continuation of Monday's agenda.

Wednesday, September 23 at 8 a.m. (Closed)—if needed

Continuation of Monday's agenda.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. E9–22241 Filed 9–11–09; 11:15 am]

BILLING CODE 7710–12–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11872 and #11873]

New York Disaster # NY–00073

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of New York (FEMA–1857–DR), dated 09/04/2009.

Incident: Severe Storms and Flooding.

Incident Period: 08/08/2009 through 08/10/2009.

DATES: *Effective Date:* 09/04/2009.

Physical Loan Application Deadline Date: 11/03/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 06/04/2010.

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: Notice is hereby given that as a result of the President's major disaster declaration on 09/04/2009, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Cattaraugus, Chautauqua, Erie.

Contiguous Counties (Economic Injury Loans Only):

New York: Allegany, Genesee, Niagara, Wyoming.

Pennsylvania: Erie, Mckean, Warren.

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11872B and for economic injury is 118730.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–22198 Filed 9–14–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11862 and #11863]

Kentucky Disaster # KY–00029

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Kentucky dated 09/04/2009.

Incident: Severe Storms and Flooding.

Incident Period: 08/12/2009.

DATES: *Effective Date:* 09/04/2009.

Physical Loan Application Deadline Date: 11/03/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 06/04/2010.

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: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Leslie.

Contiguous Counties: Kentucky. Bell, Clay, Harlan, Perry.

	Percent
The Interest Rates are:	
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11862 6 and for economic injury is 11863 0.

The State which received an EIDL Declaration # is Kentucky.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 4, 2009.

Karen G. Mills,

Administrator.

[FR Doc. E9–22202 Filed 9–14–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11870 and # 11871]

Indiana Disaster # IN–00032

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Indiana dated 09/04/2009.

Incident: Severe Storms and Tornadoes.

Incident Period: 08/19/2009.
Effective Date: 09/04/2009.
Physical Loan Application Deadline Date: 11/03/2009.
Economic injury (EIDL) Loan Application Deadline Date: 06/04/2010.

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: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Porter.
Contiguous Counties:
Indiana: Jasper; La Porte; Lake; Starke.

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11870 C and for economic injury is 11871 0.

The State which received an EIDL Declaration # is Indiana.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 4, 2009.

Karen G. Mills,

Administrator.

[FR Doc. E9–22207 Filed 9–14–09; 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 an Open Meeting on Thursday, September 17, 2009, at 2:30 p.m., in the Multipurpose Room, Room L–006.

The subject matter of the Open Meeting will be:

1. Nationally Recognized Statistical Rating Organizations (''NRSROs'')

A. Final Rule Amendments and Proposed Rule Amendments under the Credit Rating Agency Reform Act of 2006

The Commission will consider whether to adopt rules and propose other rules that impose additional disclosure and conflict of interest requirements on NRSROs in order to address concerns about the integrity of the credit rating procedures and methodologies.

B. References to Nationally Recognized Statistical Rating Organization Ratings in Commission Rules and Forms

The Commission will consider whether to eliminate references to credit ratings by NRSROs from certain rules and forms, and whether to re-open the comment period to solicit further comment on elimination of additional NRSRO references.

C. Credit Ratings and Rating Shopping Disclosure

The Commission will consider whether to propose amendments to Regulation S–K, and rules and forms under the Securities Act of 1933 (''Securities Act''), the Securities Exchange Act of 1934 (''Exchange Act'') and the Investment Company Act of 1940 (''Investment Company Act'') to require disclosure regarding credit ratings that a registrant uses in connection with a registered offering.

D. Rule 436(g)

The Commission will consider whether to issue a concept release and solicit comment on whether the Commission should propose to rescind Rule 436(g) under the Securities Act, in light of the disclosure regarding credit ratings being proposed in a companion release (see C above).

2. Flash Orders: Proposed Amendment to Rule 602 of Regulation NMS

The Commission will consider a recommendation to propose an amendment to Rule 602 of Regulation NMS under the Exchange Act that would eliminate an exception for the use of flash orders, as well as other related issues. If adopted, the proposals would prohibit the practice of displaying marketable flash orders.

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: September 10, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–22194 Filed 9–11–09; 11:15 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60633; File No. SR–BX–2009–052]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Audit Trail Information

September 8, 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 August 25, 2009, NASDAQ OMX BX, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter V, Section 15 (Audit Trail) of the Rules of the Boston Options Exchange Group, LLC (''BOX'') to clarify the information that the BOX Rules currently require to be submitted to the BOX order entry system. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://*

[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.
[3] 15 U.S.C. 78s(b)(3)(A).
[4] 17 CFR 240.19b–4(f)(6).

nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposal is to make changes to BOX Rules Chapter V, Section 15(b) to clarify the information required for orders submitted to the BOX Trading Host. The proposed changes will result in the modification of one (1) information item and the clarification regarding certain information items in the Supplementary Material.

The item to be modified is account identification.[5] The proposed change will allow Participants to align the terms utilized in their system protocols to the requirements and language of BOX Rules Chapter V, Section 15(b). There has been some uncertainty regarding the information required under the categories ''customer identification'' and ''account identification''. Therefore, the proposed change from ''account identification'' to ''account type'' will clarify the details, without altering the scope, which the Exchange is requiring by using the same term provided in technical system guides. As a result of enhancements to BOX systems, the ''type'' of account, or sometimes referred to as ''customer type'' (i.e. Public Customer, Market Maker, etc.), is represented by one of several particular order origin codes, where the order origin code represents a separate and distinct account type.[6] These order origin codes must be submitted to the BOX order entry system for each order and are used by the Trading Host.

The Exchange proposes to add Supplementary Material to Section 15 to specify that the identity of the individual/terminal completing the order ticket and customer identification[7] (the specific customer or account number) are not required to be submitted into the order entry system. These are not details that the Exchange currently routinely utilizes for any trading or surveillance purpose and thus are not submitted in the order entry system. BOX Rules Chapter V, Section 1(b)(iv) continues to require that Participants must maintain procedures and controls to monitor and supervise the entry of orders. Further, this type of specific information should be maintained as part of the Participant's books and records requirements, and if requested, must be provided to the Exchange.[8]

This proposed change will not result in a decrease in the useful information BOX currently gathers about an order. BOX will continue to gather all details essential to an order submitted to BOX and to allow BOX to properly prioritize and match orders and report resulting transactions to the Options Clearing Corporation (''OCC''). In fact, system enhancements have improved the Exchange's ability to surveil BOX trading and Participant compliance with BOX Rules.

Participants will still be required to submit orders in a manner prescribed by the Exchange.

2. Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[9] in general, and Section 6(b)(5) of the Act,[10] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the items and language that this proposal seeks to modify will not affect BOX's ability to prioritize and match orders nor the reporting of executions to the OCC. Additionally, the renaming of terms will align them with the updated BOX system protocol.

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 not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule change is filed pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act[11] and Rule 19b–4(f)(6) thereunder.[12] This proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[13] 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 proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2009–052 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary,

[5] *See* BOX Rules Chapter V, Section 15(b)(ix).

[6] *See* BOXR Regulatory Circular 2007–02.

[7] *See* BOX Rules Chapter V, Section 15(b)(vii) and (viii).

[8] *See* BOX Rules Chapter VIII (Records, Reports and Audits).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days before doing so.

Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2009–052. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2009–052 and should be submitted on or before October 6, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22107 Filed 9–14–09; 8:45 am]

BILLING CODE 8010–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60635; File No. SR–FINRA–2007–024]

Self-Regulatory Organizations; Financial Industry Regulatory, Inc.; Order Approving Proposed Rule Change as Modified by Amendment No. 1 Thereto Amending Rule 2320 Regarding Best Execution and Interpositioning

September 8, 2009.

On November 27, 2007, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NASD Rule 2320, Best Execution and Interpositioning. On April 13, 2009, FINRA filed Amendment No. 1 to the proposed rule change. The proposed rule change was published for comment in the **Federal Register** on April 24, 2009.[3] The Commission received no comments regarding the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

In its filing, FINRA proposed to amend NASD Rule 2320, which governs members' obligations regarding best execution and interpositioning.[4] Rule 2320(a) provides that, in any transaction for or with a customer or a customer of another broker-dealer, a member must use ''reasonable diligence to ascertain the best market for the subject security,'' so that the resulting price to the customer is ''as favorable as possible under prevailing market conditions.''[5] A number of factors will be considered in determining whether the member exercised reasonable diligence, including the character of the market for the security, the size and type of the transaction, and the terms and conditions of the order that resulted in the transaction.[6]

Currently, Rule 2320(b) prohibits a member from interposing a third party between the member and the best available market for a security, unless the member ''can demonstrate that to his knowledge at the time of the transaction the total cost or proceeds of the transaction * * * was better than the prevailing inter-dealer market for the security.''[7] In addition, a member's obligations to its customer ''are generally not fulfilled'' under the current Rule when interposing a third party, unless the member can show that the interpositioning ''reduced the costs of the transactions to the customer.''[8]

With this rule change, FINRA proposed to apply the standards governing best execution, which are set forth in Rule 2320(a), to interpositioning. As such, a member interposing a third party will have to use ''reasonable diligence to ascertain the best market for the subject security,'' so that the resulting price to the customer is ''as favorable as possible under prevailing market conditions.''[9] FINRA also proposed to make conforming amendments to other NASD and FINRA rules to reflect the re-designation of Rule 2320.

The Commission has carefully reviewed the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association[10] and, in particular, Section 15A(b)(6) of the Act,[11] which requires that FINRA rules 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.

In stating that interpositioning generally does not fulfill a member's obligation to its customer unless that interpositioning ''reduced the costs of the transactions to the customer,'' the current rule contains a presumption against interpositioning.[12] FINRA stated in its filing that the presumption is overbroad and may not accurately reflect the realities of the current market. The Commission understands

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59788 (April 17, 2009), 74 FR 18777 (''Notice'').

[4] NASD Rule 2320 paragraph (a) governs best execution and paragraph (b) governs interpositioning.

[5] *See* NASD Rule 2320(a).

[6] *Id.*

[7] *See* NASD Rule 2320(b).

[8] *Id.*

[9] *See* NASD Rule 2320(a).

[10] 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).

[11] 15 U.S.C. 78o–3(b)(6).

[12] *See, e.g., In re Thomson & McKinnon,* Securities Exchange Act Release No. 8310 (May 8, 1968). In that proceeding, an NASD member firm interposed broker-dealers between itself and the best available market, and the added transaction cost was borne by its customers. The Commission found that, ''[i]n view of the obligation of a broker to obtain the most favorable price for his customer, where he interposes another broker-dealer between himself and a third broker-dealer, he prima facie has not met that obligation and he has the burden of showing that the customer's total cost or proceeds of the transaction is the most favorable obtainable under the circumstances.''

FINRA's argument that the rule, as currently written, may be overbroad. There have been a number of changes in the markets since the time the rule was adopted by the NASD in 1968. However, the Commission believes that there continue to be opportunities for unscrupulous participants in the marketplace to interposition third parties in a securities transaction between themselves and their customers to the disadvantage of those customers.[13] The Commission expects FINRA, when it finds evidence of interpositioning by members that was detrimental to the customer, to charge member firms or associated persons, as appropriate, with violations of its rules.

The Commission notes that its approval of this rule change is not an indication that interpositioning is no longer an issue. Rather, it is meant to reflect changes in the market place that have occurred since 1968 when the rule was adopted.[14] The Commission notes that, even with this rule change, the cost to the customer under the proposed rule will ''remain a crucial factor in determining whether a member has fulfilled its best execution obligations under Rule 2320,'' including transactions involving interposed third parties.[15] The Commission also notes that interpositioning ''that is unnecessary or violates a member's general best execution obligations—either because of unnecessary costs to the customer or improperly delayed executions—would still be prohibited.'' [16] In this respect, the Commission takes comfort from FINRA's representations that interpositioning that harms a customer violates NASD Rule 2440 and FINRA Rule 2010.[17]

The proposed rule will thus continue to prohibit interpositioning that adversely affects the customer, and the cost to the customer will remain a central part of that determination. The Commission expects FINRA to diligently pursue such conduct by members.[18]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–FINRA–2007–024), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22109 Filed 9–14–09; 8:45 am]

BILLING CODE 8010–01–P

[13] *See, e.g., In re Andrew P. Gonchar and Polyvious T. Polyviou,* Securities Exchange Act Release No. 34–60506 (August 14, 2009).

[14] *See* Notice, *supra* note 3, at 18778.

[15] *Id.* at 18778.

[16] *Id.* at 18779.

In addition to the proposed rule language, other FINRA and NASD rules would continue to govern the handling of customer orders. In particular, FINRA Rule 2010 requires that members observe high standards of commercial honor and just and equitable principles of trade, and NASD Rule 2440 requires that members charge fair prices and commissions in their dealings with customers.

[17] *Id.* at 18778 n.4.

[18] *See In re Andrew P. Gonchar and Polyvious T. Polyviou, supra* note 13.

[19] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6760]

Culturally Significant Objects Imported for Exhibition Determinations: ''Art of the Samurai: Japanese Arms and Armor, 1156–1868''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Art of the Samurai,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, NY, from on or about October 19, 2009, until on or about January 10, 2010, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632–6473). The address is U.S. Department of State, SA–5, L/PD, Fifth Floor, Washington, DC 20522–0505.

Dated: September 8, 2009.

Maura M. Pally,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E9–22173 Filed 9–14–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6761]

Determination and Certification Related to Colombian Armed Forces Under Section 7046(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (DiV. H, Pub. L. 111–8)

Pursuant to the authority vested in the Secretary of State, including under section 7046 (b)(1)(B) and section 7046(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, Pub. L. 111–8 (''FY 2009 SFOAA''), I hereby determine, certify, and report that the Colombian Armed Forces are meeting the conditions contained in section 7046(b)(1)(B) and section 7046(b)(2).

The Department of State has periodically consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the above-mentioned conditions, as provided in section 7046(c) of the FY 2009 SFOAA.

This Determination and Certification shall be published in the **Federal Register** and copies shall be transmitted to the appropriate committees of Congress.

Dated: September 8, 2009.

James B. Steinberg,

Deputy Secretary of State.

[FR Doc. E9–22174 Filed 9–14–09; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice 6759]

Determination Under the Foreign Assistance Act and the Department of State, Foreign Operations, and Related Programs Appropriations Acts

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Deputy Secretary of State has made a determination pursuant to section 620H of the Foreign Assistance Act, and section 7021 of the Department of State,

Foreign Operations, and Related Programs Appropriations, 2009 (Div. H, Pub. L. 111–8), and similar provisions in prior-year Appropriations Acts, and has concluded that publication of the determination would be harmful to the national security of the United States.

This Determination shall be reported to the Congress and published in the **Federal Register**.

Dated: September 4, 2009.

Vann H. Van Diepen,

Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

[FR Doc. E9–22175 Filed 9–14–09; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: 2009–0830]

Airport Privatization Pilot Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Receipt and Acceptance for Review: Preliminary Application for Louis Armstrong New Orleans International Airport, New Orleans, LA.

SUMMARY: The Federal Aviation Administration (FAA) has completed its review of the Louis Armstrong New Orleans International Airport (MSY) preliminary application for participation in the airport privatization pilot program received under 49 U.S.C. 47134. The preliminary application is accepted for review, with a filing date of August 5, 2009. The City of New Orleans, the airport sponsor, may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption under the pilot program. 49 U.S.C. 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. The application procedures require the FAA to publish a notice in the **Federal Register** after review of a preliminary application. The FAA must publish a notice of receipt of the final application in the **Federal Register** for public review and comment for a sixty-day period. The MSY preliminary application is available for public review at *http://www.regulations.gov*. The docket number is FAA Docket Number 2009–0830.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis (202–267–8741) Airport Compliance Division, ACO–100, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Introduction and Background

Title 49 of the U.S. Code § 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes, to pay back a portion of Federal grants upon the sale or lease of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the Federal Aviation Administration issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (62 FR 48693). A request for participation in the Pilot Program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

The City of New Orleans submitted a preliminary application to the Airport Privatization Pilot Program for Louis Armstrong New Orleans International Airport on August 5, 2009; the filing date of this preliminary application. The City may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption.

If FAA accepts the final application for review, the application will be made available for public review and comment for a sixty-day period.

Issued in Washington, DC on September 8, 2009.

Randall S. Fiertz,

Director, Office of Airport Compliance and Field Operations.

[FR Doc. E9–22144 Filed 9–14–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2009–40]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before September 30, 2009.

ADDRESSES: You may send comments identified by Docket Number FAA–2009–0809 using any of the following methods:

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

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

Docket: To read background documents or comments received, go to

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

FOR FURTHER INFORMATION CONTACT: Maria G. Delgado, ANM–113, (425) 227–2775, FAA, Transport Airplane Directorate, 1601 Lind Ave., SW., Renton, Washington 98057–3356; or Ralen Gao, ARM–200, (202) 267–3168, FAA, Office of Rulemaking, 800 Independence Ave., SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC on September 9, 2009.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2009–0809.
Petitioner: Airbus.
Sections of 14 CFR Affected: §§ 25.305(b) and 25.307.
Description of Relief Sought: The petitioner requests an exemption from the requirements of §§ 25.305(b) and 25.307 for certain Airbus Model A330–233 and –323 airplanes. If granted, this exemption would be time-limited to permit installation of Pratt & Whitney PW4168A–1D engines without a fan cowl hinge upgrade, until Airbus can substantiate that the current fan cowl hinge design does not require the upgrade.

[FR Doc. E9–22117 Filed 9–14–09; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Procedures for Determining Vessel Service Categories for Purposes of the Cargo Preference Act

AGENCY: U.S. Department of Transportation, Maritime Administration.

ACTION: Notice.

SUMMARY: Pursuant to a Memorandum of Understanding Among the United States Department of Agriculture, the United States Department of Transportation, and the United States Agency for International Development Regarding Procedures for Determining Vessel Service Categories for Purposes of the Cargo Preference Act, dated September 4, 2009 (the MOU, a copy of which is attached hereto and posted at the Web site of the Maritime Administration (MARAD), *http://www.marad.dot.gov*), notice is hereby given by MARAD that procedures as set forth herein are established for vessel owners or operators to designate the service category of individual vessels for purposes of compliance with the Cargo Preference Act (CPA). Where the owner or operator designates the category of its vessel, such self-designations will be docketed in the public record, published, and an opportunity will be provided for comment by interested parties. Each self-designation and the record supporting it is subject to review by MARAD. If MARAD disagrees with a self-designation, the process for determination, appeal and further administrative review is set forth below. These procedures are intended to be interim procedures implementing the MOU entered into by MARAD, the United States Department of Agriculture (USDA), and the United States Agency for International Development (USAID) and a 2002 Department of Justice interpretation of the CPA, pending the formal promulgation of regulations by MARAD.

Background

The CPA requires that Federal agencies take ''necessary and practicable'' steps to ensure that privately-owned U.S.-flag vessels transport at least 50 percent of the gross tonnage of cargo sponsored under the food assistance programs specified below ''(computed separately for dry bulk carriers, dry cargo liners, and tankers) * * * to the extent such vessels are available at fair and reasonable rates for commercial vessels of the United States, in a manner that will ensure a fair and reasonable participation of commercial vessels of the United States in those cargoes by geographic areas.'' 46 U.S.C. 55305(b). An additional 25 percent of gross tonnage is to be transported in accordance with the requirements of 46 U.S.C. 55314.

USAID and USDA provide food aid commodities to meet humanitarian food needs in the developing world. They either contract directly with, or provide guidance to, other entities for purposes of reimbursement regarding the transportation of such food aid through a competitive bidding system among private ocean carriers. The award of transportation contracts to ocean carriers is subject to the requirements of the CPA.

This **Federal Register** notice and the procedures set forth herein are intended to cover the following food assistance programs: Titles I, II, and III programs of the Food for Peace Act, the Food for Progress program of the Food Security Act of 1985, the McGovern-Dole International Food for Education and Child Nutrition program of the Farm Security and Rural Investment Act of 2002, the Section 416(b) program of the Agricultural Act of 1949, and the Bill Emerson Humanitarian Trust of the Bill Emerson Humanitarian Trust Act.

MARAD, an operating administration of the Department of Transportation, is responsible for prescribing regulations and guidance governing the implementation of the CPA by other Government agencies, such as USAID and USDA. 46 U.S.C. 55305(d); 49 CFR 1.66(e). MARAD maintains a list on its Web site at *http://www.marad.dot.gov/documents/MAR730_MasterVesselListforCargoPreference.pdf* that sets forth vessel designations for CPA purposes through and including September 30, 2009. The procedures contained in this Notice apply to both U.S. flag and foreign flag vessels and must be used by vessel owners or operators to request any designation or re-designation of such vessels by service type, for purposes of participation in CPA programs. MARAD will publish an initial list of vessel designations on October 7, 2009. After a comment period and administrative review process (as described below), MARAD will publish a new vessel list on its Web site, *http://www.marad.dot.gov.*

USAID, USDA and the MARAD have been involved in litigation that challenges the proper interpretation and implementation of the Cargo Preference Act by these agencies for the Title II program under the Food for Peace Act (Title II), including *Maersk Line Ltd* v. *Vilsack,* U.S.D.C. (E.D. Va) 1:09cv747. As the parties acknowledged in a July 10, 2009 settlement of the *Maersk* litigation, the Government agencies involved in that litigation were unable to provide a unified Government position with respect to the proper implementation of the 2002 Department of Justice interpretation of the CPA. The attached MOU serves to clarify the position of the United States with respect to certain requirements of the CPA, and represents the unified Government position on the proper method for implementing the Department of Justice's 2002 CPA determination.

For purposes of determining compliance with the statutory 75 percent requirement for shipments on U.S. flag vessels, each of the affected agencies (that is, MARAD, USAID, and USDA) will record contracts awarded under the food assistance programs specified above based solely upon the vessel service category for the vessel upon which the cargo is carried, for both foreign flag and U.S.-flag vessels,

as shown on the MARAD list of CPA vessels without regard to the nature of the cargo carried. The list is available in the Cargo Preference section of MARAD's Web site at *http://www.marad.dot.gov/documents/MAR730_MasterVesselListforCargoPreference.pdf.* Pursuant to the MOU and the procedures outlined herein, the list shall be revised periodically to reflect appropriate vessel designations. The contract award date for contracts awarded under these food assistance programs will be the basis of measurement for compliance purposes. Bills of lading quantities will be used to validate the compliance percentages.

Initial Self-Designation Process

Prior to October 1, 2009, all vessel owners or operators, including owners or operators of foreign flag vessels, may self-designate the service type of vessels they own or operate as either a dry bulk carrier or dry cargo liner, and report this designation to MARAD in writing. The current treatment of tankers is not affected by these procedures, and no self-designation is required or expected for tankers.

The owner or operator should include a justification of the designation it seeks based upon the CPA evaluation criteria listed below, and the general character of the vessel's service—that is, irregular service or regularly scheduled service. If no self-designation is made by a vessel's owner or operator, the vessel's categorization will remain as it is currently designated in the MARAD list, unless and until MARAD makes a different determination as to the proper category for the vessel, or a vessel owner or operator requests a re-designation as outlined in the procedures below.

Self-Designation Applications and Their Contents

A separate written application is required for each vessel. Each application must refer to docket MARAD–2007–0001. Each application must address the CPA evaluation criteria listed in points a. through e. below. At a minimum, each application must also contain the following information:

—Name of vessel with IMO number;
—Name and complete business address of owner or operator, including e-mail address, if available;
—Business phone number (including any extension number) of owner or operator, if available;
—Desired designation of vessel; and
—Justification for desired designation

The justification submitted should include all documentation that the owner or operator relies upon in support of the desired designation. This may include:

a. The advertisement of service;
b. Regularity of service;
c. Offering of service to specific routes, and planned schedules;
d. Characteristics of service other than vessel design and
e. Historical performance in recent months.

The application may also include any other information that demonstrates the general character of the vessel's service, that is, irregular service or regularly scheduled service. Each application must be signed, and each applicant must certify that the information contained in the application is true and correct to the best of the knowledge and belief of the applicant.

Please see the Addresses section below concerning where to transmit this information. Electronic submission of the application and related documents is strongly encouraged to facilitate timely processing. Alternatively, such materials may be submitted by express delivery service. All such information shall become a matter of public record and will be placed in the public docket at the Department of Transportation.

Public Comments, MARAD's Initial Determination, and Appeals

On or before October 7, 2009, MARAD will publish in the **Federal Register** for public comment a list of the initial self-designations received from vessel owners or operators. Interested parties may comment on these proposed self-designations within 10 calendar days of publication. If MARAD publishes the self-designation list on October 7, 2009, then the tenth day will be a Saturday (October 17), and thus comments should be received no later than the close of business on October 19, 2009. The close of business is 5 p.m. local Washington, DC time.

If MARAD disagrees with an owner's or operator's initial self-designation, it will notify the owner or operator within 15 calendar days of the close of the public comment period. That notification will include MARAD's initial determination of vessel type category. Unless MARAD disagrees with an owner's or operator's initial self-designation in writing within 15 calendar days of the close of the public comment period, these self-designations will remain in effect until vessel owners or operators submit a request for re-designation. If the owner or operator changes the characteristics of its service such that the factual basis for its self-designation is no longer in effect, then the owner or operator shall seek re-designation at its earliest opportunity.

Vessel owners or operators may appeal to the Maritime Administrator within 10 calendar days of receiving the initial determination. Such appeals should be express delivered or electronically transmitted to the docket address as set forth below.

The Maritime Administrator will issue a final determination of vessel designation within 30 calendar days of receiving the appeal, after consultation with the United States Department of State, USAID, and USDA.

Vessel Designation Pending Appeal

If MARAD disagrees with an owner's or operator's initial self-designation, vessels will be treated in accordance with MARAD's initial determination through the appeal period starting from the time of MARAD's determination. However, if a solicitation and/or bid award occurs between the time in which self-designations are received by MARAD but prior to MARAD's written notification of initial determination, such solicitation and/or bid award will be based on the self-designation.

Standards for Determining Vessel Service

In accordance with the Department of Justice's 2002 interpretation of the CPA, in determining whether a vessel may be appropriately categorized as a ''dry bulk carrier'' or ''dry cargo liner,'' MARAD will evaluate the vessel's service, that is, whether the vessel is engaged in irregular or regularly scheduled service. A dry cargo liner vessel is a vessel in regularly scheduled service. A dry bulk carrier vessel is vessel that is in irregular service.

In evaluating the service of a particular vessel, MARAD will consider the following criteria:

a. The advertisement of service;
b. Regularity of service;
c. Offering of service to specific routes, and planned schedules;
d. Characteristics of service other than vessel design;
e. Historical performance in recent months.

Applicants for self-designation or re-designation should provide information, data, and material related to these five criteria as well as the more general description of the vessel's service as regular or irregular.

Vessels for Which No Self-Designation Is Received

For vessels for which MARAD does not receive a written self-designation by October 1, 2009, MARAD will determine a vessel-type designation

based on the criteria listed in points a through e above. All such MARAD designations shall be placed on MARAD's Web site. An owner or operator of a vessel designated by MARAD under this procedure shall receive notice of such designation. Such notice can be sent to such owner or operator's e-mail or regular address. MARAD may also publish a notice of such determination in the **Federal Register**. The owner or operator can appeal that determination within ten calendar days of the date of receipt of such notice of determination or within ten calendar days of publication in the **Federal Register**, whichever date is earlier, under the procedures outlined above.

New Vessels Brought Online After October 1, 2009

If a new vessel is brought online after October 1, 2009, the vessel owner or operator may voluntarily make an initial self-designation of the vessel's service category for CPA purposes, following the same procedure as vessels which have been self-designated prior to October 1, 2009. The timing and procedures relating to the initial determination will govern these new vessel self-designations.

Re-designations

Commencing January 1, 2010, vessel owners or operators may request re-designations from MARAD on a quarterly basis. Re-designation of any individual vessel can occur no more than twice per calendar year. However, no re-designations may be filed until the completion of the initial self-designation administrative process.

All requests for re-designation should be made in writing and should include justification of such requests for re-designation based upon the criteria listed in points a. through e. above, and the general character of the vessel's service, that is, irregular service or regularly scheduled service. The vessel owner or operator also should include an explanation as to why the initial designation no longer applies. Each request for re-designation must be signed, and each vessel owner or operator must certify that the information submitted in the request for re-designation is true and correct to the best of the knowledge and belief of the requesting party.

Until MARAD makes a subsequent determination with regard to a vessel owner's or operator's request for vessel re-designation, the prior vessel category will remain in place and be used by the vessel's owner or operator, USAID, USDA, and MARAD for CPA purposes. All requests for re-designation will be published in the **Federal Register** for public comment. Interested parties may comment on these proposed vessel re-designations within 10 calendar days of publication.

Within 15 calendar days of the close of the comment period for a proposed vessel re-designation, MARAD will provide, in writing, a determination of a vessel's re-designation. Requests for re-designation become effective upon MARAD's written determination of a vessel's re-designation.

Vessel owners or operators may appeal MARAD's determination of a request for re-designation. Such appeals must be addressed in writing to the Maritime Administrator within 10 calendar days of receiving the determination. If there is an appeal, MARAD will issue a final written determination of re-designation within 30 calendar days of receiving the appeal, after consultation with the United States Department of State, USAID, and USDA.

Administrative Changes

MARAD will, on its own initiative or at the request of a vessel owner or operator, undertake to make administrative changes to the list of vessels published on its Web site. Such administrative changes may include the self-designations and designation determinations as described above, and the following: (1) The change of the name of a current vessel; (2) the change of ownership of a current vessel solely to reflect the new owner of the vessel; (3) a typographical error; and (4) the deletion of a vessel due to change of flag or scrapping.

Calculating Time Periods for Compliance

If any deadline listed in this section falls on a Saturday, Sunday, or legal holiday, the period in question will run until the end of the next day that is not a Saturday, Sunday or legal holiday.

MARAD List of Designations

Subject to the procedures described above, MARAD will compile and maintain these self-designations, re-designations, and MARAD determinations into a list of vessels by category type, for the purpose of indicating which vessels are eligible for preference to carry cargo subject to 46 U.S.C. 55305 and 55314.

In accordance with the parameters above, a current list of vessels by type will be published quarterly on MARAD's Web site, and will be amended periodically as administrative changes are made. No changes will be made to this list, other than by the procedures provided for above.

Prohibition of Dual Service

Owners or operators of a vessel that engages in service that may be characterized as meeting more than one of the three vessel service categories must choose one category that reflects the predominant character of the vessel's service as measured by tonnage carried, routes served, number of voyages, the criteria above, or some other measurable criteria supporting the designation excluding vessel design.

Certification Requirements

The procedures set forth in this Notice are intended to result in full and fair consideration of all applications by vessel owners or operators. These procedures are dependent upon vessel owners or operators providing full and accurate information to MARAD in support of their applications and/or requests for re-designation or in any comments we receive. To that end, we reiterate the requirement as set forth above that those submitting materials and/or comments to MARAD in these proceedings must certify that the information contained therein is true and correct to the best of their knowledge and belief.

Paperwork Reduction Act

This notice involves information collection requirements subject to the Paperwork Reduction Act (PRA), specifically the self-designation documentation that vessel owners must send with respect to any vessel for which they choose to self-designate the type of service for the vessel, and, any subsequent voluntary quarterly requests for re-designation. For the content of these information collection requirements, see the section of this notice entitled ''Self-Designation Applications and Their Contents.''

Title: Applications for Self-Designation of Vessels, and Vessel Re-Designation.

Need for Information: The information is required to administer the interagency Memorandum of Understanding (MOU). Regarding Procedures for Determining Vessel Service Categories for the Purpose of the Cargo Preference Act.

Use of Information: The Maritime Administration would use the data submitted by vessel operators to create a list of Vessel Self-Designations, and to determine whether it agreed or disagreed with a vessel owner's designation of a vessel. It will use data submitted with Re-designation Requests to determine whether or not a vessel

should be re-designated into a different service category.

Frequency: For current vessel owners who choose to submit a self-designation, the information collection would occur only once. Under the MOU, if a new vessel comes on line or vessel owner subsequently seeks to change its designation, a new application would have to be submitted. Optional vessel re-designation requests can be submitted quarterly.

Respondents: It is estimated the owners or operators of up to 120 U.S.-registered vessels, and an unknown but larger number of foreign-registered vessels, could possibly apply for self-designation and/or re-designation. It is important to note that, under the MOU, vessel owners are not required to do so. Vessel owners who are satisfied with MARAD's existing designation presumably would not submit an application. Consequently, MARAD believes that a significantly smaller number than the maximum potential number of respondents will actually submit applications.

Burden Estimate: This estimate assumes a range of between 10 and 100 actual applications, in which case the number of burden hours involved would vary from 60–600 hours assuming six hours per application or 80–800 hours assuming eight hours per application. Assuming an approximate cost of $50 per hour to perform the information collection tasks, this would result in a range of costs from $3,000 to $40,000 for the self-designation application process. While MARAD believes that the actual number of applications received will be nearer the lower end of this range, the range is provided to account for the uncertainty surrounding the decisions of vessel owners.

Form(s): There is no specific form used for collecting the information, but, the elements of the data elements of the information collection are listed in the **Federal Register** Notice above.

Average Burden Hours per Respondent: Between six and eight hours per application.

The Office of Management and Budget has approved this information collection on an emergency basis, as described under 5 CFR 1320.13, with Control Number 2133–0540.

DATES: Vessel status self-designations must be received by the Maritime Administration through the Department of Transportation docket office by 5 p.m. EDT on September 30, 2009. The Maritime Administrator intends to publish all self-designations no later than October 7, 2009. Interested parties may comment on these proposed self-designations within 10 calendar days of publication.

ADDRESSES: Self-designation applications and requests for re-designation should prominently refer to docket number MARAD–2007–0001 and may be submitted electronically via the Internet at *http://www.regulations.gov.* Self-designation applications and requests for re-designation may also be submitted by hand or by express delivery to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

All self-designation applications and requests for re-designation will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., EDT or EST, as applicable, Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

Additional Docketing

Upon receipt, each application will be assigned a unique docket number. All subsequent filings including public comments and appeal will be made public on that docket.

FOR FURTHER INFORMATION CONTACT: Jean E. McKeever, Associate Administrator for Business and Workforce Development, Maritime Administration, 1200 New Jersey Ave., SE., Washington, DC 20590; phone: (202) 366–5737; fax: (202) 366–6988; or e-mail: *jean.mckeever@dot.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

Dated: September 10, 2009.

By Order of the Acting Maritime Administrator.

Christine S. Gurland,

Acting Secretary, Maritime Administration.

For your information, the following is the text of the Memorandum of Understanding, dated September 4, 2009:

Memorandum of Understanding Among the United States Department of Agriculture, the United States Department of Transportation, and the United States Agency for International Development Regarding Procedures for Determining Vessel Service Categories for Purposes of the Cargo Preference Act

A. Background

The Cargo Preference Act of 1954 (CPA), as amended, requires that Federal agencies take ''necessary and practicable'' steps to ensure that privately-owned U.S.-flag vessels transport at least 50 percent of the gross tonnage of cargo sponsored under the food assistance programs specified below, ''(computed separately for dry bulk carriers, dry cargo liners, and tankers) * * * to the extent such vessels are available at fair and reasonable rates for commercial vessels of the United States, in a manner that will ensure a fair and reasonable participation of commercial vessels of the United States in those cargoes by geographic areas.'' 46 U.S.C. 55305(b). An additional 25 percent of gross tonnage is to be transported in accordance with the requirements of 46 U.S.C. 55314.

The United States Agency for International Development (USAID) and the United States Department of Agriculture (USDA) provide food aid commodities to meet humanitarian food needs in the developing world under food assistance programs as specified below. USAID and USDA either contract directly with, or provide guidance to other entities for purposes of reimbursement regarding the transportation of such food aid through a competitive bidding system among private ocean carriers. The award of transportation contracts to ocean carriers is subject to the requirements of the Cargo Preference Act. This MOU covers the following food assistance programs: Titles I, II, and III programs of the Food for Peace Act, the Food for Progress program of the Food Security Act of 1985, the McGovern-Dole International Food for Education and Child Nutrition program of the Farm Security and Rural Investment Act of 2002, the Section 416(b) program of the Agricultural Act of 1949, and the Bill Emerson Humanitarian Trust of the Bill Emerson Humanitarian Trust Act.

The Maritime Administration (MARAD), an operating administration of the Department of Transportation, is responsible for prescribing regulations and guidance governing the implementation of the CPA by other Government agencies, such as USAID

and USDA. 46 U.S.C. 55305(d); 49 CFR 1.66(e).

USAID, USDA and the Maritime Administration are currently involved in litigation that challenges the proper interpretation and implementation of the Cargo Preference Act by these agencies for the Title II program under the Food for Peace Act (Title II), including *Maersk Line Ltd* v. *Vilsack,* U.S.D.C. (E.D. Va) 1:09cv747. As the parties acknowledged in a July 10, 2009 settlement of the *Maersk* litigation, the Government agencies involved in that litigation were unable to provide a unified Government position with respect to the proper implementation of a 2002 Department of Justice interpretation of the CPA.

This document serves to clarify the position of the United States with respect to the requirements of the CPA, and describes the procedures that ensure that food aid commodities continue to be shipped throughout the developing world on United States registered ocean vessels. This document, therefore, represents the unified Government position on the proper method for implementing the Department of Justice's 2002 CPA determination. Accordingly, pursuant to the final paragraph of the July 10, 2009 Maersk settlement, the United States now has a unified legal position, and the procedures detailed in the Maersk Settlement will be superseded with the procedures discussed herein as of October 1, 2009.

B. Department of Justice Interpretation of the Cargo Preference Act

In 2002, the Department of Justice, in connection with the resolution of earlier cargo preference litigation determined the litigation position of the United States with respect to, among other things, the proper manner for classifying vessels in accordance with the CPA. In the 2002 litigation, a dispute arose as to the proper interpretation of the terms ''dry bulk carrier'' and ''dry cargo liner'' as those terms are used in the CPA. The Department of Justice concluded that the CPA's requirement that at least 75 percent of agricultural commodities be shipped by U.S. flag vessels ''computed separately for dry bulk carriers, dry cargo liners and tankers'' mandates that the U.S. vessels be divided into those three categories and further, that the 75 percent minimum be computed separately for each category of vessel.

Moreover, the Department of Justice concluded that the service offered determined a vessel's classification as a ''dry bulk carrier'' or ''dry cargo liner.''

In its conclusion, the Department of Justice stated that:

> In defining the terms ''dry bulk carrier'' and ''dry cargo liner,'' the government believes that at the time of the adoption of this provision of the [CPA] these terms did not refer to the type of vessel but rather to the service of the vessel. ''Dry bulk carrier'' refers to irregular service while ''dry cargo liner'' refers to regularly scheduled service.

The Department of Justice's 2002 conclusions continue in effect and provide the background principles governing the terms of the procedures described herein.

C. Determining Vessel Service Category

Prior to October 1, 2009, all vessel owners or operators, including owners or operators of foreign flag vessels, may self-designate their service type as either a dry bulk carrier or dry cargo liner by vessel, and report this designation to MARAD in writing. The current treatment of tankers is not affected by this MOU, and no self-designation is required or expected for tankers.

The owner or operator should include justification of such designation based upon the criteria listed in points a. through e. below, and the general character of the vessel's service—that is, irregular or regularly scheduled. On or before October 7, 2009, MARAD will publish these self-designations in the **Federal Register** for public comment. Interested parties may comment on these proposed self-designations within 10 calendar days of publication.

If MARAD disagrees with an owner's or operator's initial self-designation, it will notify the owner or operator within 15 calendar days of the close of the public comment period. That notification will include MARAD's initial determination of vessel type category. Unless MARAD disagrees with an owner's or operator's initial self-designation in writing within 15 calendar days of the close of the public comment period, these self-designations will stay in effect until vessel owners or operators submit a request for re-designation.

Vessel owners or operators may appeal to the Maritime Administrator within 10 calendar days of receiving the initial determination. MARAD will issue a final determination of designation within 30 calendar days of receiving the appeal, after consultation with the Department of State, USAID, and the Department of Agriculture.

If MARAD disagrees with an owner's or operator's initial self-designation, vessels will be treated in accordance with MARAD's initial determination through the appeal period starting from the time of the determination. However, if a solicitation and/or bid award occurs between the time in which self-designations are received by MARAD but prior to MARAD's written notification of initial determination, such solicitations will be based on the self-designation.

Subject to the procedures described above, MARAD will compile these self-designations into a list of vessels by category type, for the purpose of indicating which vessels are eligible for preference to carry cargo subject to 46 U.S.C. 55305 and 55314. For vessels which MARAD does not receive a written self-designation by October 1, 2009, MARAD will determine a vessel-type designation based on the criteria listed in points a through e below.

If a new vessel is brought online after October 1, 2009, the vessel owner or operator may voluntarily make an initial self-designation of the vessel's service category, following the same procedure as vessels which have been self-designated prior to October 1, 2009.

Commencing October 1, 2009, vessel owners or operators may request re-designations from MARAD on a quarterly basis. Re-designation of any individual vessel can occur no more than twice per calendar year.

All requests for re-designation should be made in writing. The vessel owner or operator should include justification of such requests for re-designation based upon the criteria listed in points a through e below, and the general character of the vessel's service, that is, irregular or regularly scheduled.

In accordance with the Department of Justice's 2002 interpretation of the CPA, in determining whether a vessel may be appropriately categorized as a ''dry bulk carrier'' or ''dry cargo liner,'' MARAD will evaluate the vessel's service. In evaluating the service of a particular vessel, MARAD will consider the following criteria:

a. The advertisement of service;

b. Regularity of service;

c. Offering of service to specific routes, and planned schedules;

d. Characteristics of service other than vessel design;

e. Historical performance in recent months.

Until MARAD makes a subsequent determination with regard to a vessel owner's or operator's request for vessel re-designation, the prior vessel category will remain in place and be used by the vessel's owner or operator, USAID, USDA, and MARAD for CPA purposes. All requests for re-designation will be published in the **Federal Register** for public comment. Interested parties may comment on these proposed vessel re-designations within 10 calendar days of publication.

Within 15 calendar days of the close of the comment period, MARAD will provide, in writing, a determination of a vessel's re-designation. Requests for re-designation become effective upon MARAD's written determination of a vessel's re-designation.

Vessel owners or operators may appeal MARAD's determination of a request for re-designation in writing within 10 calendar days of receiving the determination. If there is an appeal, MARAD will issue a final written determination of re-designation within 30 calendar days of receiving the appeal, after consultation with the Department of State, USAID, and the Department of Agriculture.

If any deadline listed in this section falls on a Saturday, Sunday, or legal holiday, the period in question will run until the end of the next day that is not a Saturday, Sunday or legal holiday.

1. Prohibition of Dual Service

For purposes of the Maritime Administration list, owners or operators of a vessel that engages in service that may be characterized as meeting more than one of the three vessel service categories must choose one category that reflects the predominant character of the vessel's service as measured by tonnage carried, routes served, number of voyages, the criteria above, or some other measurable criteria supporting the designation excluding vessel design.

2. Vessel List by Type

In accordance with the parameters above, a current list of vessels by type will be published quarterly on MARAD's Web site, and will be amended periodically as administrative changes are made. No changes will be made to this list, other than by the procedures provided under Sections C and D of this Memorandum of Understanding.

D. Administrative Changes

The Maritime Administration will, on its own initiative or at the request of a vessel owner or operator, undertake to make administrative changes to the list of vessels published on its Web site. Such administrative changes may include the self-designations and designation determinations as described above, and the following: (1) The change of the name of a current vessel; (2) the change of ownership of a current vessel solely to reflect the new owner of the vessel; (3) a typographical error; and (4) the deletion of a vessel due to change of flag or scrapping.

E. Utilization of the Maritime Administration List of Vessels for Cargo Preference Compliance

For purposes of determining compliance with the 75 percent requirement described above, each of the affected agencies (that is, the Maritime Administration, USAID, and USDA) will record contracts awarded under the food assistance programs specified above based solely upon the vessel service category for the vessel upon which the cargo is carried, for both foreign flag and U.S.-flag vessels, as shown on the Maritime Administration list, without regard to the nature of the cargo carried. The contract award date will be the basis of measurement for compliance purposes. Bills of lading quantities will be used to validate the compliance percentages.

F. Utilization of the Shipping Agency Statistical Data for Cargo Preference Compliance

For purposes of communicating statistical data for preference cargo tonnage shipped by USAID and USDA, MARAD, USAID, and USDA hereby agree that, at the inception of this agreement, each will post to their respective Web sites data from shipping agency calculations. These calculations will be based solely upon the vessel service category for the vessel upon which the cargo is carried, (for both foreign flag and U.S.-flag vessels) as shown on the Maritime Administration list without regard to the nature of the cargo carried. The contract award date will be the basis of measurement for compliance purposes. Bills of lading quantities will be used to validate the compliance percentages. MARAD will monitor and verify the data and agrees to post on their Web site the same data in the same format as the shipping agencies. Reconciliations and adjustments will be resolved in advance of publication through interagency consultation, which, if necessary, may include the Office of Management and Budget.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

David T. Matsuda
Acting Administrator
Maritime Administration
U.S. Department of Transportation
DATE: _____

James Michel
Counselor to the Agency
U.S. Agency for International Development Administration
DATE: _____

Michael V. Michener
Administrator
Foreign Agricultural Service
U.S. Department of Agriculture
DATE: _____

[FR Doc. E9–22171 Filed 9–14–09; 8:45 am]
BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Financial Literacy and Education Commission

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Financial Literacy and Education Commission, established by the Financial Literacy and Education Improvement Act (Title V of the Fair and Accurate Credit Transactions Act of 2003).

DATES: This meeting of the Financial Literacy and Education Commission will be held on Thursday, September 24, 2009, beginning at 10 a.m.

ADDRESSES: The Financial Literacy and Education Commission meeting will be held in the Cash Room at the Department of the Treasury, located at 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To be admitted in the Treasury building, attendees must RSVP with their name as shown on a government-issued ID, organization represented (if any), phone number, date of birth, Social Security number and country of citizenship. To register, visit *http://www.treasury.gov/ofe,* click on the ''Financial Literacy and Education Commission'' and then click on ''Event Summary and Registration.'' For admittance to the Treasury building on the day of the meeting, attendees must present a government-issued ID, such as a driver's license or passport, which includes a photo and date of birth.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Dubis Correal by e-mail at *dubis.correal@do.treas.gov* or by telephone at (202) 622–5770 (not a toll free number). Additional information regarding the Financial Literacy and Education Commission and the

Department of the Treasury's Office of Financial Education may be obtained through the Office of Financial Education's Web site at *http://www.treas.gov/ofe.*

SUPPLEMENTARY INFORMATION: The Financial Literacy and Education Improvement Act, which is in Title V of the Fair and Accurate Credit Transactions Act of 2003 (Pub. L. 108–159), established the Financial Literacy and Education Commission (the ''Commission'') to improve the financial literacy and education of persons in the United States. The Commission is composed of the Secretary of the Treasury and the heads of the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Reserve, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Securities and Exchange Commission, the Departments of Education, Agriculture, Defense, Health and Human Services, Housing and Urban Development, Labor, and Veterans Affairs, the Federal Trade Commission, the General Services Administration, the Small Business Administration, the Social Security Administration, the Commodity Futures Trading Commission, and the Office of Personnel Management. The Commission is required to hold meetings that are open to the public every four months.

This meeting of the Commission, which will be open to the public, will be held in the Cash Room at the Department of the Treasury, located at 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The room will accommodate 80 members of the public. Seating is available on a first-come, first-seated basis. Participation in the discussion at the meeting will be limited to Commission members, their staffs, and special guest presenters.

Dated: September 3, 2009.

Andrew Mayock,

Executive Secretary, U.S. Department of the Treasury.

[FR Doc. E9–22136 Filed 9–14–09; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Privacy of Consumer Financial Information

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before November 16, 2009.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to 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 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.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Ekita Mitchell (202) 906–6451, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

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 information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Privacy of Consumer Financial Information.

OMB Number: 1550–0103.

Form Numbers: N/A.

Regulation Requirement: 12 CFR Part 573.

Description: These information collections are required under section 504 of the Gramm-Leach-Bliley Act (Act), Public Law No. 106–102. Section 502 of the Act prohibits a financial institution from disclosing nonpublic personal information about a consumer to nonaffiliated third parties unless the institution satisfies various disclosure requirements (i.e., provides a privacy notice and opt out notice) and the consumer has not elected to opt out of the disclosure. Section 504 requires the Office of Thrift Supervision, as well as the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, National Credit Union Administration, Federal Trade Commission, and Securities and Exchange Commission to issue regulations as necessary to implement the notice requirements and restrictions.

Consumers use the privacy notice information to determine whether they want personal information disclosed to third parties that are not affiliated with the institution. Further, consumers use the opt-out notice mechanism to advise the institution of their wishes regarding disclosure of their personal information. Institutions use the opt-out information to determine the wishes of their consumers and to act appropriately.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 68,378.

Estimated Burden Hours per Responses: 80 hours for de novos and acquisitions; 8 hours for institutions; and .5 hours for customers.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 44,543 hours.

Dated: September 10, 2009.

Ira L. Mills,

Paperwork Clearance Officer, Office of Thrift Supervision.

[FR Doc. E9–22167 Filed 9–14–09; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–311–81]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–311–81 (T.D. 7924), Penalties for Underpayment of Deposits and Overstated Deposit Claims, and Time for Filing Information Returns of Owners, Officers and Directors of Foreign Corporations (section 1.6046–1).

DATES: Written comments should be received on or before November 16, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Evelyn J. Mack at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–7381, or through the Internet at *Evelyn.J.Mack@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Penalties for Underpayment of Deposits and Overstated Deposit Claims, and Time For Filing Information Returns of Owners, Officers and Directors of Foreign Corporations.

OMB Number: 1545–0794.

Regulation Project Number: LR–311–81.

Abstract: These regulations relate to the penalty for underpayment of deposits and the penalty for overstated deposit claims, and to the time for filing information returns of owners, officers and directors of foreign corporations. Internal Revenue Code section 6046 requires information returns with respect to certain foreign corporations, and the regulations provide the date by which these returns must be filed.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other-for-profit organizations, and not-for-profit institutions.

The burden for section 6046–1 is entirely reflected on Form 5471.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 8, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–22200 Filed 9–14–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8582–CR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8582–CR, Passive Activity Credit Limitations.

DATES: Written comments should be received on or before November 16, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Evelyn J. Mack at Internal Revenue Service, (202) 622–7381, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Evelyn.J.Mack@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Passive Activity Credit Limitations.

OMB Number: 1545–1034.

Form Number: 8582–CR.

Abstract: Under Internal Revenue Code section 469, credits from passive activities, to the extent they do not exceed the tax attributable to net passive income, are not allowed, Form 8582–CR is used to figure the passive activity credit allowed and the amount of credit to be reported on the tax return.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 300,000.

Estimated Time per Respondent: 14 hr., 53 min.

Estimated Total Annual Burden Hours: 2,370,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 8, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–22210 Filed 9–14–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0042]

Agency Information Collection (Statement of Accredited Representative in Appealed Case) Activities Under OMB Review

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Board of Veterans' Appeals, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 15, 2009.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0042'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to ''OMB Control No. 2900–0042.''

SUPPLEMENTARY INFORMATION:

Titles: Statement of Accredited Representative in Appealed Case, VA Form 646.

OMB Control Number: 2900–0042.

Type of Review: Extension of a currently approved collection.

Abstract: A recognized organization, attorney, agent, or other authorized person representing VA claimants before the Board of Veterans' Appeals complete VA Form 646 to provide identifying data describing the basis for their claimant's disagreement with the denial of VA benefits. VA uses the data collected to identify the issues in dispute and to prepare a decision responsive to the claimant's disagreement.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 8, 2009, at page 32685–32686.

Affected Public: Not-for-profit institutions.

Estimated Annual Burden: 38,604.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 38,604.

Dated: September 10, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–22132 Filed 9–14–09; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (Financial Records)]

Agency Information Collection (Access to Financial Records) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 15, 2009.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–New (Financial Records)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to ''OMB Control No. 2900–New (Financial Records).''

SUPPLEMENTARY INFORMATION:

Titles: Access to Financial Records, 38 CFR 3.115.

OMB Control Number: 2900–New (Financial Records).

Type of Review: New Collection.

Abstract: Under 38 CFR. 3.11, VA is authorized to request access to financial records to obtain the current address of beneficiaries from financial institutions in receipt of a VA direct deposit payment. VA will only request the current address for beneficiaries whose mail was returned to the VA.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period

soliciting comments on this collection of information was published on July 7, 2009, at page 32223.

Affected Public: Business or Other for Profit.

Estimated Annual Burden: 4,167 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50,000.

Dated: September 10, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–22133 Filed 9–14–09; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
September 15, 2009

Part II

Department of Housing and Urban Development

Announcement of Funding Awards for the Continuum of Care Homeless Assistance Grants Program Fiscal Year 2008; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5220–FA–01]

Announcement of Funding Awards for the Continuum of Care Homeless Assistance Grants Program Fiscal Year 2008

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of past funding decisions made by the Department in a competition for funding under the 2008 Notice of Funding Availability (NOFA) for the Continuum of Care Homeless Assistance Grants program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD in 2009. A **Federal Register** notice on this action was not published at the time; however, the public was advised of these grant selections since they were posted on HUD's Web site. The posting contained a listing of the selected applicants including descriptions of the projects.

FOR FURTHER INFORMATION CONTACT: Ann M. Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410–7000; telephone (202) 708–4300 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at (800) 877–8339. For general information on this and other HUD programs, call Community Connections at (800) 998–9999 or visit the HUD Web site at *http://www.hud.gov.*

SUPPLEMENTARY INFORMATION: HUD's Homeless Assistance grants provide federal support to one of the nation's most vulnerable populations while working to reduce overall homelessness and end chronic homelessness. Competitive Homeless Assistance grants include the Supportive Housing Program, Shelter Plus Care, and the Section 8 Moderate Rehabilitation Single Room Occupancy Program, which are distributed through a competitive process called the Continuum of Care (CoC) in which federal funding is driven by local decisionmaking. The CoC system is a community-based process that provides a coordinated housing and service delivery system that enables communities to plan for and provide a comprehensive response to homeless individuals and families. It is an inclusive process that is coordinated with nonprofit organizations, state and local government agencies, service providers, private foundations, faith-based organizations, law enforcement, local businesses, and homeless or formerly homeless persons.

In 2009, HUD awarded 6,341 competitive Homeless Assistance grants totaling $1,417,604,582. Subsequent to HUD's announcement of the 2008 awards on February 19, 2009, an additional five (5) renewal grants were awarded in California, New Jersey, and New York. They are added at the end of Appendix A. These additional awards were made based on further review by HUD of specific circumstances surrounding their renewal requests. This notice provides details regarding the organizations that were awarded funding in 2008. Applications were reviewed and rated on the basis of selection criteria contained in the NOFA. This notice fulfills a required grants management action.

The competition was announced in the **Federal Register** on July 10, 2008 (73 FR 39840) and amended on August 13, 2008 (73 FR 47205) and October 9, 2008 (73 FR 59643).

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the details of these funding grant announcements in Appendix A.

Dated: September 2, 2009.

Mercedes Márquez,

Assistant Secretary for Community Planning and Development.

Recipient	State	Amount
Alaska Housing Finance Corporation	AK	$96,228
Anchorage Community Mental Health Services, Inc	AK	$207,790
Covenant House Alaska	AK	$245,629
The LeeShore Center	AK	$73,791
Valley Residential Services, Inc	AK	$26,340
Valley Residential Services, Inc	AK	$46,463
Valley Residential Services, Inc	AK	$102,499
Rural Alaska Community Action Program, Inc	AK	$141,168
Rural Alaska Community Action Program, Inc	AK	$361,073
Anchorage Community Mental Health Services, Inc	AK	$657,475
Interior Alaska Center for Non-Violent Living	AK	$50,965
Alaska Housing Finance Corporation	AK	$88,212
Alaska Housing Finance Corporation	AK	$102,312
Alaska Housing Finance Corporation	AK	$18,460
Alaska Housing Finance Corporation	AK	$27,600
Alaska Housing Finance Corporation	AK	$274,752
Catholic Social Services	AK	$193,485
Tundra Women's Coalition	AK	$28,212
Anchorage Housing Initiatives, Inc	AK	$84,578
Alaskan AIDS Assistance Association	AK	$104,665
Municipality of Anchorage	AK	$296,714
Interior Alaska Center for Non-Violent Living	AK	$32,824
Lighthouse Counseling Center, Inc	AL	$181,414
Montgomery Area Mental Health Authority	AL	$82,639
Montgomery Area Mental Health Authority	AL	$300,547
Montgomery Area Mental Health Authority	AL	$212,695
State of Alabama	AL	$234,108
Huntsville Housing Authority	AL	$294,504
Pathways Inc	AL	$128,181
Pathways Inc	AL	$168,453

Recipient	State	Amount
Housing First, Inc	AL	$90,284
City of Gadsden	AL	$29,297
Jefferson County Housing Authority	AL	$182,016
Lighthouse Counseling Center, Inc	AL	$197,854
Lighthouse Counseling Center, Inc	AL	$293,602
Metropolitan Birmingham Services for the Homeless	AL	$138,600
University of Alabama at Birmingham	AL	$250,510
The Salvation Army, a Georgia Corporation	AL	$159,973
Alabama Coalition Against Domestic Violence	AL	$128,638
Housing First, Inc	AL	$123,060
The Salvation Army, a Georgia Corporation	AL	$69,087
YWCA Birmingham	AL	$304,727
First Light, Inc	AL	$82,368
First Light, Inc	AL	$86,068
AIDS Alabama Inc	AL	$186,873
AIDS Alabama Inc	AL	$262,903
AIDS Alabama Inc	AL	$149,300
Althea House	AL	$314,705
Althea House	AL	$108,857
Montgomery Area Mental Health Authority	AL	$110,652
YWCA Birmingham	AL	$64,688
Montgomery Area Mental Health Authority	AL	$64,147
The Cooperative Downtown Ministries, Inc	AL	$146,917
The Cooperative Downtown Ministries, Inc	AL	$126,426
The Cooperative Downtown Ministries, Inc	AL	$47,835
The Cooperative Downtown Ministries, Inc	AL	$222,381
Independent Living Resources of Greater Birmingham, Inc	AL	$26,460
Jefferson County Housing Authority	AL	$3,451,812
Jefferson County Housing Authority	AL	$44,664
Housing First, Inc	AL	$163,077
Crisis Services of North Alabama	AL	$56,393
Mental Health Center of North Central Alabama, Inc	AL	$131,593
Housing First, Inc	AL	$175,061
Housing First, Inc	AL	$123,088
Housing First, Inc	AL	$94,756
Housing First, Inc	AL	$105,000
Housing First, Inc	AL	$25,261
The Volunteer & Information Center, Inc	AL	$70,327
Housing First, Inc	AL	$235,521
Housing First, Inc	AL	$384,573
Housing First, Inc	AL	$479,261
City of Tuscaloosa	AL	$20,983
Interfaith Mission Services, Inc	AL	$81,009
Housing First, Inc	AL	$241,720
Jefferson-Blount-St. Clair Mental Health/Mental Retardation	AL	$238,439
Montgomery Area Family Violence Program Inc	AL	$164,652
Montgomery Area Family Violence Program Inc	AL	$138,606
Housing First, Inc	AL	$146,187
Housing First, Inc	AL	$103,751
Faith Crusades Ministries Inc	AL	$59,902
University of Alabama at Birmingham	AL	$246,975
Safeplace, Inc	AL	$520,531
Housing First, Inc	AL	$160,019
Housing First, Inc	AL	$86,100
Housing First, Inc	AL	$148,732
Housing First, Inc	AL	$78,178
Women & Children First: Center Against Family Violence	AR	$93,113
Committee Against Spouse Abuse	AR	$31,307
Little Rock Community Mental Health Center	AR	$36,311
Little Rock Community Mental Health Center	AR	$45,896
City of Pine Bluff	AR	$237,426
Little Rock Community Mental Health Center	AR	$96,088
Arkansas Supportive Housing Network, Inc	AR	$562,993
Youth Bridge, Inc	AR	$93,485
Health Resources of Arkansas	AR	$170,224
Little Rock Community Mental Health Center	AR	$287,729
Our House, Inc	AR	$36,371
Arkansas Department of Human Services	AR	$371,856
Black Community Developers, Inc	AR	$40,306
Arkansas Department of Human Services	AR	$194,460
Arkansas Department of Human Services	AR	$164,112
Arkansas Department of Human Services	AR	$917,688
Little Rock Housing Authority	AR	$38,688
Health Resources of Arkansas	AR	$133,596

Recipient	State	Amount
Bethlehem House, Inc	AR	$21,600
Our House, Inc	AR	$162,568
Arkansas Supportive Housing Network, Inc	AR	$99,210
Black Community Developers, Inc	AR	$110,125
Counseling Associates, Inc	AR	$200,000
Pima County	AZ	$221,935
Pima County	AZ	$387,476
Southern Arizona AIDS Foundation	AZ	$86,499
Southern Arizona AIDS Foundation	AZ	$87,783
Pima County	AZ	$461,425
Southern Arizona AIDS Foundation	AZ	$28,373
the EXCEL group, Inc	AZ	$133,488
Chrysalis Shelter for Victims of Domestic Violence, Inc	AZ	$24,269
Arizona Department of Housing	AZ	$112,237
Labor's Community Service Agency	AZ	$279,594
Pima County CDNC	AZ	$181,089
Community Bridges, Inc	AZ	$344,610
Native American Connections, Inc	AZ	$35,000
Native American Connections, Inc	AZ	$91,043
Pima County CDNC	AZ	$434,713
United States Veterans Initiative	AZ	$500,157
Catholic Charities Community Services	AZ	$24,039
Sojourner Center	AZ	$417,763
Old Pueblo Community Foundation	AZ	$221,516
Old Pueblo Community Foundation	AZ	$68,391
COPE Community Services, Inc	AZ	$222,646
Arizona Housing, Inc	AZ	$58,025
Arizona Housing, Inc	AZ	$79,804
Arizona Housing, Inc	AZ	$523,810
Native American Connections, Inc	AZ	$163,178
UMOM New Day Centers, Inc	AZ	$201,671
Arizona Department of Housing	AZ	$1,474,356
Arizona Behavioral Health Corporation	AZ	$1,118,788
Arizona Behavioral Health Corporation	AZ	$711,879
Arizona Behavioral Health Corporation	AZ	$70,456
Arizona Behavioral Health Corporation	AZ	$20,775
Arizona Behavioral Health Corporation	AZ	$1,801,534
Arizona Behavioral Health Corporation	AZ	$519,019
UMOM New Day Centers, Inc	AZ	$1,888,326
Arizona Behavioral Health Corporation	AZ	$903,424
UMOM New Day Centers, Inc	AZ	$80,126
UMOM New Day Centers, Inc	AZ	$187,584
City of Tucson	AZ	$741,272
City of Tucson	AZ	$60,385
City of Tucson	AZ	$91,037
City of Tucson	AZ	$727,932
City of Tucson	AZ	$289,248
La Frontera Center, Inc	AZ	$425,148
Southwest Behavioral Health Services, Inc	AZ	$205,977
HomeBase Youth Services	AZ	$333,371
Phoenix Shanti Group	AZ	$34,600
PREHAB of Arizona, Inc	AZ	$510,688
Chicanos Por La Causa, Inc	AZ	$101,737
The Salvation Army Western Territory	AZ	$73,080
The Salvation Army Western Territory	AZ	$45,360
Arizona Behavioral Health Corporation	AZ	$974,551
Save the Family Foundation of Arizona	AZ	$420,100
Mesa Community Action Network	AZ	$58,878
Area Agency on Aging, Region One	AZ	$60,735
Area Agency on Aging, Region One	AZ	$63,064
Area Agency on Aging, Region One	AZ	$126,575
Arizona Behavioral Health Corporation	AZ	$870,836
Arizona Behavioral Health Corporation	AZ	$202,031
Arizona Behavioral Health Corporation	AZ	$388,240
Arizona Behavioral Health Corporation	AZ	$713,200
Save the Family Foundation of Arizona	AZ	$215,406
The Primavera Foundation, Inc	AZ	$103,306
Arizona Department of Housing	AZ	$34,604
Arizona Department of Housing	AZ	$129,225
Arizona Department of Housing	AZ	$799,824
Arizona Department of Housing	AZ	$1,859,916
Arizona Department of Housing	AZ	$2,870,664
Our Family Services, Inc	AZ	$60,789
Arizona Department of Housing	AZ	$157,500

Recipient	State	Amount
The Primavera Foundation, Inc	AZ	$112,486
Arizona Department of Housing	AZ	$48,937
CODAC Behavioral Health Services	AZ	$171,443
CODAC Behavioral Health Services	AZ	$221,118
Homeward Bound	AZ	$26,250
Homeward Bound	AZ	$313,761
Tumbleweed Center for Youth Development	AZ	$318,729
Tumbleweed Center for Youth Development	AZ	$214,429
Tumbleweed Center for Youth Development	AZ	$439,700
Recovery Innovations of Arizona, Inc	AZ	$990,010
Arizona Department of Housing	AZ	$76,685
Pima County	AZ	$428,470
Arizona Department of Housing	AZ	$249,328
Arizona Department of Housing	AZ	$357,641
Arizona Department of Housing	AZ	$136,686
Arizona Department of Housing	AZ	$34,187
Arizona Department of Housing	AZ	$164,877
Arizona Department of Housing	AZ	$80,660
Arizona Department of Housing	AZ	$208,104
Arizona Department of Housing	AZ	$108,701
Arizona Department of Housing	AZ	$78,175
Arizona Department of Housing	AZ	$102,534
Arizona Department of Housing	AZ	$134,750
Arizona Department of Housing	AZ	$30,332
Arizona Department of Housing	AZ	$99,805
Arizona Department of Housing	AZ	$93,186
Arizona Department of Housing	AZ	$195,943
WINR/Women In New Recovery	AZ	$46,862
Arizona Department of Housing	AZ	$78,858
Community Information & Referral	AZ	$176,753
Arizona Department of Housing	AZ	$216,156
Community Information & Referral	AZ	$400,921
Santa Barbara Community Houding Corp	CA	$99,444
Los Angeles Homeless Services Authority	CA	$223,929
Los Angeles Homeless Services Authority	CA	$200,258
Los Angeles Homeless Services Authority	CA	$198,095
Los Angeles Homeless Services Authority	CA	$402,558
The Eli Home, Inc	CA	$524,275
Salvation Army	CA	$102,008
Homes For Life Foundation	CA	$72,067
Los Angeles Homeless Services Authority	CA	$249,362
Los Angeles Homeless Services Authority	CA	$263,401
Los Angeles Homeless Services Authority	CA	$225,355
Los Angeles Homeless Services Authority	CA	$244,623
John XXIII AIDS Ministry	CA	$129,312
Los Angeles Homeless Services Authority	CA	$76,059
Los Angeles Homeless Services Authority	CA	$94,295
Los Angeles Homeless Services Authority	CA	$387,581
Los Angeles Homeless Services Authority	CA	$130,971
Los Angeles Homeless Services Authority	CA	$258,248
Los Angeles Homeless Services Authority	CA	$151,802
Los Angeles Homeless Services Authority	CA	$120,164
Los Angeles Homeless Services Authority	CA	$241,135
Los Angeles Homeless Services Authority	CA	$169,419
Beacon Housing, Inc	CA	$76,192
Los Angeles Homeless Services Authority	CA	$210,433
Service League of San Mateo County	CA	$45,837
Orange Coast Interfaith Shelter	CA	$283,129
Los Angeles Homeless Services Authority	CA	$182,955
Los Angeles Homeless Services Authority	CA	$110,824
Rubicon Programs Inc	CA	$204,120
Rubicon Programs Inc	CA	$94,500
Rubicon Programs Inc	CA	$44,013
Individuals Now dba Social Advocates for Youth	CA	$40,000
Antelope Valley Domestic Violence Council	CA	$143,911
Los Angeles Homeless Services Authority	CA	$125,824
Los Angeles Homeless Services Authority	CA	$93,310
Los Angeles Homeless Services Authority	CA	$140,946
Los Angeles Homeless Services Authority	CA	$149,707
Los Angeles Homeless Services Authority	CA	$286,999
Los Angeles Homeless Services Authority	CA	$349,666
Los Angeles Homeless Services Authority	CA	$201,506
Los Angeles Homeless Services Authority	CA	$59,052
Los Angeles Homeless Services Authority	CA	$267,828

Recipient	State	Amount
Los Angeles Homeless Services Authority	CA	$629,647
Los Angeles Homeless Services Authority	CA	$157,707
Los Angeles Homeless Services Authority	CA	$209,799
Los Angeles Homeless Services Authority	CA	$119,280
City of Woodland	CA	$177,343
Los Angeles Homeless Services Authority	CA	$61,041
Los Angeles Homeless Services Authority	CA	$68,320
Los Angeles Homeless Services Authority	CA	$154,997
Los Angeles Homeless Services Authority	CA	$63,655
Los Angeles Homeless Services Authority	CA	$282,734
Los Angeles Homeless Services Authority	CA	$206,461
Pajaro Valley Shelter Services	CA	$13,623
Los Angeles Homeless Services Authority	CA	$198,507
Southern California Alcohol and Drug Programs, Inc	CA	$355,943
Los Angeles Homeless Services Authority	CA	$337,805
South Bay Community Services, Inc	CA	$96,832
Los Angeles Homeless Services Authority	CA	$118,347
New Directions, Inc	CA	$574,640
Los Angeles Homeless Services Authority	CA	$63,687
Los Angeles Homeless Services Authority	CA	$180,897
Los Angeles Homeless Services Authority	CA	$54,498
Los Angeles Homeless Services Authority	CA	$196,350
Los Angeles Homeless Services Authority	CA	$162,775
Los Angeles Homeless Services Authority	CA	$223,552
Los Angeles Homeless Services Authority	CA	$92,217
St. Joseph Center	CA	$47,246
Los Angeles Homeless Services Authority	CA	$263,685
Los Angeles Homeless Services Authority	CA	$97,677
Families Forward	CA	$73,819
Los Angeles Homeless Services Authority	CA	$400,000
Mental Health Systems Inc	CA	$273,283
South Bay Community Services, Inc	CA	$86,951
United Christian Centers Of The Greater Sacramento Area, Inc	CA	$46,527
Homes For Life Foundation	CA	$338,590
Vallejo Lord's Fellowship A/G	CA	$42,600
City of Oceanside	CA	$146,702
Greater Richmond Interfaith Program	CA	$97,817
Greater Richmond Interfaith Program	CA	$75,306
Family Services of Tulare County	CA	$160,684
County of Santa Cruz	CA	$89,985
Community Working Group, Inc	CA	$51,100
Stop Homelessness in the Rio Hondo Area, Inc	CA	$165,207
Solano County Health and Social Services	CA	$80,502
WomanHaven, Inc	CA	$171,717
Los Angeles Homeless Services Authority	CA	$137,485
Families Forward	CA	$132,941
Women's Daytime Drop-In Center	CA	$68,975
Family Assistance Ministries	CA	$558,832
Los Angeles Homeless Services Authority	CA	$112,450
Los Angeles Homeless Services Authority	CA	$34,999
Los Angeles Homeless Services Authority	CA	$287,114
Clinca Sierra Vista, Inc	CA	$93,903
Orange County Housing Authority	CA	$777,600
Orange County Housing Authority	CA	$1,166,400
Orange County Housing Authority	CA	$534,672
Orange County Housing Authority	CA	$983,832
Orange County Housing Authority	CA	$399,156
Mary Lind Recovery Centers	CA	$442,317
Los Angeles Homeless Services Authority	CA	$331,546
Mental Health Systems Inc	CA	$287,042
Los Angeles Homeless Services Authority	CA	$70,391
Los Angeles Homeless Services Authority	CA	$177,929
Los Angeles Homeless Services Authority	CA	$147,972
Los Angeles Homeless Services Authority	CA	$121,874
Los Angeles Homeless Services Authority	CA	$147,775
Los Angeles Homeless Services Authority	CA	$381,940
Los Angeles Homeless Services Authority	CA	$200,000
Los Angeles Homeless Services Authority	CA	$193,880
Los Angeles Homeless Services Authority	CA	$256,710
Los Angeles Homeless Services Authority	CA	$131,286
Vietnam Veterans of San Diego	CA	$202,850
Vietnam Veterans of San Diego	CA	$209,600
Rubicon Programs Inc	CA	$654,229
Orange County Housing Authority	CA	$3,027,372

Recipient	State	Amount
Committee on the Shelterless	CA	$29,744
County of San Diego	CA	$480,480
County of San Diego	CA	$575,640
City of Oxnard	CA	$52,747
Housing Authority of the City of San Buenaventura	CA	$118,404
City of Oxnard	CA	$123,348
Vietnam Veterans of California	CA	$265,807
Vietnam Veterans of California	CA	$44,536
Vietnam Veterans of California	CA	$83,107
North County Interfaith Council, Inc	CA	$103,415
North County Interfaith Council, Inc	CA	$64,214
North County Interfaith Council, Inc	CA	$347,774
North County Interfaith Council, Inc	CA	$82,129
Los Angeles Homeless Services Authority	CA	$159,179
Families In Transition of Santa Cruz County, Inc	CA	$189,786
County of San Diego	CA	$445,011
Committee on the Shelterless	CA	$16,000
Committee on the Shelterless	CA	$78,359
Committee on the Shelterless	CA	$75,000
County of Sutter	CA	$30,300
Garden Park Apartments Community (GPAC)	CA	$224,870
Whiteside Manor, Inc	CA	$884,051
Samaritan House	CA	$105,000
Los Angeles Homeless Services Authority	CA	$66,685
Los Angeles Homeless Services Authority	CA	$51,771
Los Angeles Homeless Services Authority	CA	$96,975
Los Angeles Homeless Services Authority	CA	$573,405
Rubicon Programs Inc	CA	$221,628
Families In Transition of Santa Cruz County, Inc	CA	$185,638
County of Riverside	CA	$408,234
Central California Family Crisis Center, Inc	CA	$283,120
Building Opportunities for Self-Sufficiency	CA	$274,259
Building Opportunities for Self-Sufficiency	CA	$74,500
Building Opportunities for Self-Sufficiency	CA	$96,147
Building Opportunities for Self-Sufficiency	CA	$164,038
Building Opportunities for Self-Sufficiency	CA	$736,155
Building Opportunities for Self-Sufficiency	CA	$185,727
County of Riverside	CA	$135,756
County of Riverside	CA	$89,373
County of Riverside	CA	$525,000
County of Riverside	CA	$240,968
County of Riverside	CA	$260,498
County of San Diego	CA	$208,224
County of Riverside	CA	$646,847
County of San Diego	CA	$614,760
County of Riverside	CA	$218,484
County of Riverside	CA	$80,591
County of Riverside	CA	$744,120
County of Riverside	CA	$436,000
County of Riverside	CA	$213,300
County of San Diego	CA	$96,843
County of San Diego	CA	$63,000
County of San Diego	CA	$74,843
Housing Authority of the County of Stanislaus	CA	$132,120
Housing Authority of the County of Stanislaus	CA	$538,140
County of San Diego	CA	$43,557
JWCH Institute, Inc	CA	$308,999
Goodwill Industries of the Greater Eastbay	CA	$863,257
County of Riverside	CA	$134,136
Los Angeles Homeless Services Authority	CA	$134,592
Los Angeles Homeless Services Authority	CA	$259,875
Los Angeles Homeless Services Authority	CA	$387,743
County of Ventura Human Services Agency	CA	$49,085
County of Ventura Human Services Agency	CA	$217,276
County of Ventura Human Services Agency	CA	$31,214
County of Ventura Human Services Agency	CA	$163,795
Housing Authority of the City of Napa	CA	$59,820
Project Understanding	CA	$53,642
Turning Point Foundation	CA	$250,184
Turning Point Foundation	CA	$26,074
Turning Point Foundation	CA	$35,460
Turning Point Foundation	CA	$31,361
Los Angeles Homeless Services Authority	CA	$476,401
Los Angeles Homeless Services Authority	CA	$259,701

Recipient	State	Amount
Los Angeles Homeless Services Authority	CA	$192,600
Gramercy Housing Group	CA	$210,960
CORA (Community Overcoming Relationship Abuse)	CA	$230,763
Los Angeles Homeless Services Authority	CA	$113,971
Episcopal Community Services	CA	$557,110
Catholic Charities of Los Angeles, Inc	CA	$142,900
Catholic Charities of Los Angeles, Inc	CA	$103,425
Los Angeles Homeless Services Authority	CA	$385,943
Los Angeles Homeless Services Authority	CA	$143,432
Los Angeles Homeless Services Authority	CA	$128,980
Episcopal Community Services	CA	$509,328
The City of Oakland	CA	$1,829,618
Rubicon Programs Inc	CA	$1,018,766
Los Angeles Homeless Services Authority	CA	$282,429
Housing Authority City of Fresno	CA	$170,988
Resources for Independent Living, Inc	CA	$97,876
Los Angeles Homeless Services Authority	CA	$156,635
Los Angeles Homeless Services Authority	CA	$350,396
Los Angeles Homeless Services Authority	CA	$149,846
Los Angeles Homeless Services Authority	CA	$248,942
Los Angeles Homeless Services Authority	CA	$250,000
Los Angeles Homeless Services Authority	CA	$24,331
Los Angeles Homeless Services Authority	CA	$366,345
Los Angeles Homeless Services Authority	CA	$344,504
Los Angeles Homeless Services Authority	CA	$178,238
Los Angeles Homeless Services Authority	CA	$364,882
Los Angeles Homeless Services Authority	CA	$106,479
Los Angeles Homeless Services Authority	CA	$220,461
Housing Authority City of Fresno	CA	$135,000
Los Angeles Homeless Services Authority	CA	$489,638
Los Angeles Homeless Services Authority	CA	$253,423
Los Angeles Homeless Services Authority	CA	$570,870
Housing Authority City of Fresno	CA	$632,520
Housing Authority City of Fresno	CA	$644,246
Housing Authority City of Fresno	CA	$555,754
Los Angeles Homeless Services Authority	CA	$71,796
Los Angeles Homeless Services Authority	CA	$161,815
Los Angeles Homeless Services Authority	CA	$140,300
Los Angeles Homeless Services Authority	CA	$157,436
County of Sacramento	CA	$154,110
County of Kern Department of Mental Health Services	CA	$82,050
Los Angeles Homeless Services Authority	CA	$362,250
Solano County Health and Social Services	CA	$109,925
Housing Authority City of Fresno	CA	$2,155,440
Domestic Violence Solutions for Santa Barbara County	CA	$76,219
Solano County Health and Social Services	CA	$199,246
Catholic Charities, Diocese of San Diego	CA	$33,333
Filipino American Service Group, Inc	CA	$190,449
Step Up on Second Street, Inc	CA	$126,728
Mercy House Living Centers	CA	$90,240
Mercy House Living Centers	CA	$118,000
The Salvation Army	CA	$430,824
Testimonial Community Love Center	CA	$136,887
Emergency Housing Consortium of Santa Clara County	CA	$262,723
Emergency Housing Consortium of Santa Clara County	CA	$93,866
Emergency Housing Consortium of Santa Clara County	CA	$102,462
United States Veterans Initiative	CA	$289,795
Center for Human Services	CA	$232,500
St. Joseph's Family Center	CA	$291,770
Ford Street Project	CA	$73,816
United Friends of the Children	CA	$295,657
Jewish Family Service of Los Angeles	CA	$180,498
Northern Valley Catholic Social Service, Inc	CA	$129,868
Ocean Park Community Center	CA	$305,938
Interim, Inc	CA	$97,407
Interim, Inc	CA	$138,168
1736 Family Crisis Center	CA	$521,823
County of Los Angeles, Housing Authority	CA	$1,667,520
County of Los Angeles, Housing Authority	CA	$312,252
County of Los Angeles, Housing Authority	CA	$516,924
County of Los Angeles, Housing Authority	CA	$625,800
County of Los Angeles, Housing Authority	CA	$326,292
St. Joseph's Family Center	CA	$364,804
The Salvation Army, a California Corporation	CA	$204,637

Recipient	State	Amount
PATH (People Assisting the Homeless)	CA	$114,529
City of Pomona	CA	$162,154
YMCA of Metropolitan Los Angeles	CA	$177,486
The Salvation Army, a California corporation	CA	$221,485
The Salvation Army, a California corporation	CA	$172,089
The Salvation Army, a California corporation	CA	$174,133
The Salvation Army, a California corporation	CA	$169,948
The Salvation Army, a California corporation	CA	$360,500
The Salvation Army, a California corporation	CA	$276,039
The Salvation Army, a California corporation	CA	$218,221
The Salvation Army, a California corporation	CA	$360,500
YMCA of San Diego County	CA	$178,739
Rainbow Services, Ltd	CA	$255,012
The John Henry Foundation	CA	$146,369
Caminar	CA	$25,000
Housing Authority of the County of Kern	CA	$254,484
Faithworks Community Coalition	CA	$17,823
Human Options, Inc	CA	$30,793
Harbor Interfaith Services, Inc	CA	$127,673
Human Options, Inc	CA	$111,122
Southern California Alcohol and Drug Programs, Inc	CA	$382,527
Center Point, Inc	CA	$479,316
Center Point, Inc	CA	$42,210
Fairfield Suisun Community Action Council	CA	$186,290
STAND! Against Domestic Violence	CA	$75,571
Mental Health Association of San Mateo County	CA	$73,271
Mental Health Association of San Mateo County	CA	$39,530
Center for Human Rights and Constitutional Law, Inc	CA	$134,943
County of Sacramento	CA	$497,726
Shelter Outreach Plus	CA	$115,999
County of Sacramento	CA	$89,932
County of Sacramento	CA	$4,100,988
City of Santa Monica	CA	$491,791
City of Pomona Housing Authority	CA	$717,084
Venice Community Housing Corporation	CA	$81,170
Champions Recovery Alternative Programs, Inc	CA	$212,628
County of Sacramento	CA	$114,696
County of Sacramento	CA	$499,037
County of Sacramento	CA	$187,714
County of Sacramento	CA	$312,138
County of Sacramento	CA	$655,440
County of Los Angeles, Housing Authority	CA	$173,568
County of Sacramento	CA	$110,250
Venice Family Clinic	CA	$284,842
County of Sacramento	CA	$259,830
County of Sacramento	CA	$81,746
County of Sacramento	CA	$362,022
County of Sacramento	CA	$327,869
County of Sacramento	CA	$256,032
County of Sacramento	CA	$275,838
County of Sacramento	CA	$403,435
County of Sacramento	CA	$316,033
County of Sacramento	CA	$102,107
County of Sacramento	CA	$226,000
County of Sacramento	CA	$3,061,636
County of Sacramento	CA	$99,959
County of Sacramento	CA	$128,148
Serra Ancillary Care Corp dba The Serra Project	CA	$303,173
Amador-Tuolumne Community Action Agency	CA	$39,900
Caminar	CA	$48,547
The Salvation Army	CA	$158,521
County of Los Angeles Department of Children and Family Services	CA	$89,062
County of Los Angeles Department of Children and Family Services	CA	$274,400
County of Los Angeles Department of Children and Family Services	CA	$384,676
County of Los Angeles Department of Children and Family Services	CA	$197,621
The Salvation Army, a California Corporation	CA	$86,437
Bethany Services dba Bakersfield Homeless Center	CA	$176,881
Bethany Services dba Bakersfield Homeless Center	CA	$269,408
NAMI Tuolumne County	CA	$30,957
NAMI Tuolumne County	CA	$91,282
Shelter Outreach Plus	CA	$166,599
County of Sacramento	CA	$123,496
Shelter Outreach Plus	CA	$121,833
Serra Ancillary Care Corp dba The Serra Project	CA	$326,848

Recipient	State	Amount
Single Room Occupancy Housing Corporation	CA	$92,610
Single Room Occupancy Housing Corporation	CA	$279,510
Single Room Occupancy Housing Corporation	CA	$369,601
County of Sacramento	CA	$178,849
Beyond Shelter	CA	$141,911
Citizens Housing Corporation	CA	$79,240
County of Sacramento	CA	$229,204
L.A. Family Housing	CA	$355,664
L.A. Family Housing	CA	$363,659
Shields For Families	CA	$90,395
The Salvation Army, a California Corporation	CA	$83,137
County of Los Angeles, Housing Authority	CA	$2,765,148
San Diego Youth & Community Services	CA	$87,571
Pasadena Community Development Commission	CA	$106,095
Pasadena Community Development Commission	CA	$122,097
Pasadena Community Development Commission	CA	$608,688
Pasadena Community Development Commission	CA	$43,724
Pasadena Community Development Commission	CA	$137,754
City of Santa Monica Housing Authority	CA	$1,540,476
City of Santa Monica Housing Authority	CA	$97,632
City of Santa Monica Housing Authority	CA	$1,635,000
Pasadena Community Development Commission	CA	$235,695
Yolo Community Care Continuum	CA	$84,423
Su Casa Domestic Abuse Network	CA	$52,463
Placer County Health and Human Services Adult System of Care	CA	$299,927
Pasadena Community Development Commission	CA	$163,700
City of Glendale/Glendale Housing Authority	CA	$21,420
Pasadena Community Development Commission	CA	$121,404
San Joaquin County	CA	$524,116
Pasadena Community Development Commission	CA	$155,416
Pasadena Community Development Commission	CA	$108,480
Interfaith Shelter Network, Inc	CA	$61,134
Interfaith Shelter Network, Inc	CA	$24,780
City of Glendale/Glendale Housing Authority	CA	$185,425
City of Glendale/Glendale Housing Authority	CA	$753,330
City of Glendale/Glendale Housing Authority	CA	$153,802
City of Glendale/Glendale Housing Authority	CA	$181,966
City of Glendale/Glendale Housing Authority	CA	$217,292
OC Partnership	CA	$57,043
OC Partnership	CA	$433,263
PATH (People Assisting the Homeless)	CA	$209,161
Housing for Independent People	CA	$136,897
San Francisco Network Ministries Housing Corporation	CA	$70,749
The City of Oakland	CA	$245,420
Los Angeles Homeless Services Authority	CA	$246,780
The City of Oakland	CA	$259,824
The City of Oakland	CA	$699,770
American Family Housing	CA	$630,958
American Family Housing	CA	$572,553
Thomas House Temporary Shelter	CA	$30,799
Thomas House Temporary Shelter	CA	$57,034
Serving People In Need, Inc	CA	$806,415
South County Outreach formerly Saddleback Community Outreach	CA	$25,034
South County Outreach formerly Saddleback Community Outreach	CA	$25,157
South County Outreach formerly Saddleback Community Outreach	CA	$175,959
San Joaquin County	CA	$463,190
Crisis House, Inc	CA	$189,081
San Joaquin County	CA	$96,698
Santa Barbara County—ADMHS	CA	$115,315
Community Development Commission of Mendocino County	CA	$45,120
Community Development Commission of Mendocino County	CA	$1,334,520
Housing Authority of the County of Marin	CA	$836,292
Townspeople	CA	$400,000
Volunteers of America Southwest CA	CA	$301,164
Volunteers of America Southwest CA	CA	$298,453
California Council for Veterans Affairs, Inc	CA	$136,216
San Joaquin County	CA	$1,628,304
San Joaquin County	CA	$379,488
San Joaquin County	CA	$433,389
San Joaquin County	CA	$730,577
City of Glendale/Glendale Housing Authority	CA	$115,968
Solano County Health and Social Services	CA	$102,317
City of Long Beach	CA	$52,209
City of Long Beach	CA	$378,202

Recipient	State	Amount
City of Long Beach	CA	$285,838
Marin Abused Women's Services	CA	$55,642
Marin Abused Women's Services	CA	$64,540
City of Long Beach	CA	$241,279
City of Long Beach	CA	$256,340
City of Long Beach	CA	$50,085
City of Long Beach	CA	$45,178
City of Long Beach	CA	$50,017
City of Long Beach	CA	$132,884
City of Long Beach	CA	$182,128
City of Long Beach	CA	$102,379
City of Glendale/Glendale Housing Authority	CA	$93,000
City of Long Beach	CA	$650,823
City of Long Beach	CA	$327,000
City of Long Beach	CA	$88,299
City of Long Beach	CA	$165,122
City of Long Beach	CA	$196,623
City of Long Beach	CA	$284,097
City of Long Beach	CA	$46,998
City of Long Beach	CA	$351,508
City of Long Beach	CA	$102,363
City of Long Beach	CA	$105,870
City of Long Beach	CA	$220,638
Anaheim Supportive Housing for Senior Adults, Inc	CA	$139,020
PATH (People Assisting the Homeless)	CA	$100,275
Building Opportunities for Self-Sufficiency	CA	$114,997
City of Long Beach	CA	$222,721
Merced County Community Action Board	CA	$81,163
Weingart Center Association, Inc	CA	$170,760
Weingart Center Association, Inc	CA	$314,478
City of Glendale/Glendale Housing Authority	CA	$100,548
City of Glendale/Glendale Housing Authority	CA	$158,496
City of Glendale/Glendale Housing Authority	CA	$148,156
Fullerton Interfaith Emergency Service	CA	$252,000
Redwood Community Action Agency	CA	$38,359
Redwood Community Action Agency	CA	$118,074
San Jose Cathedral Foundation	CA	$46,036
San Jose Cathedral Foundation	CA	$97,368
YWCA of San Diego County	CA	$553,691
Catholic Charities of Santa Clara County	CA	$702,702
City of Long Beach	CA	$343,145
Catholic Charities of Santa Clara County	CA	$433,431
City of Long Beach	CA	$88,992
The Los Angeles Gay and Lesbian Community Services Center	CA	$367,493
Asian Pacific Women's Center	CA	$149,813
Interval House	CA	$73,268
City of Long Beach	CA	$367,278
City of Long Beach	CA	$244,998
City of Long Beach	CA	$218,639
City of Long Beach	CA	$102,327
City of Long Beach	CA	$78,120
City of Long Beach	CA	$54,120
Arcata House, Inc	CA	$108,844
Women's Transitional Living Center, Inc	CA	$149,119
Women's Transitional Living Center, Inc	CA	$84,167
South Central Health & Rehabilitation Program	CA	$224,759
Catholic Charities of Santa Clara County	CA	$501,800
InnVision the Way Home	CA	$172,135
Contra Costa Health Services	CA	$177,477
Contra Costa Health Services	CA	$513,028
Turning Point Community Programs	CA	$474,160
Stanislaus Community Assistance Project	CA	$570,052
Stanislaus Community Assistance Project	CA	$262,189
Los Angeles Homeless Services Authority	CA	$168,843
Community Action Partnership of Sonoma County	CA	$107,000
Housing Authority of the City of Calexico	CA	$80,994
InnVision the Way Home	CA	$348,831
InnVision the Way Home	CA	$38,530
Tarzana Treatment Centers, Inc	CA	$188,491
SHELTER, Inc. of Contra Costa County	CA	$277,845
InnVision the Way Home	CA	$88,715
Contra Costa Health Services	CA	$158,041
InnVision the Way Home	CA	$228,335
InnVision the Way Home	CA	$140,741

Recipient	State	Amount
InnVision the Way Home	CA	$108,408
InnVision the Way Home	CA	$74,266
InnVision the Way Home	CA	$193,719
InnVision the Way Home	CA	$74,897
Inland Counties Legal Services, Inc	CA	$38,395
Community HousingWorks	CA	$104,559
Santa Clara County Department of Mental Health	CA	$514,196
Housing Authority of the County of Monterey	CA	$367,867
Affordable Housing Associates	CA	$36,665
Homeless Services Center	CA	$142,591
InnVision the Way Home	CA	$131,928
St. Vincent de Paul Village, Inc	CA	$630,256
Alameda County	CA	$266,832
SHELTER, Inc. of Contra Costa County	CA	$80,797
SHELTER, Inc. of Contra Costa County	CA	$407,333
Cloverdale Community Outreach	CA	$132,643
Regional Task Force on the Homeless Inc	CA	$222,007
Regional Task Force on the Homeless Inc	CA	$89,798
Regional Task Force on the Homeless Inc	CA	$108,914
Santa Cruz Community Counseling Center	CA	$41,540
Santa Cruz Community Counseling Center	CA	$15,353
Kings United Way	CA	$305,760
Community Resource Center	CA	$55,000
Toby's House	CA	$119,545
Catholic Charities of the Diocese of Santa Rosa	CA	$80,424
St. Vincent de Paul Village, Inc	CA	$513,712
Catholic Charities of the Diocese of Santa Rosa	CA	$74,963
St. Vincent de Paul Village, Inc	CA	$897,485
St. Vincent de Paul Village, Inc	CA	$1,717,496
St. Vincent de Paul Village, Inc	CA	$402,182
Greater Bakersfield Legal Assistance, Inc	CA	$120,044
St. Vincent de Paul Society of San Francisco	CA	$132,544
Tri-City Homeless Coalition	CA	$529,612
Housing Authority of the City of Santa Barbara	CA	$583,008
Community Support Network	CA	$40,842
YWCA Sonoma County	CA	$52,500
Contra Costa Health Services	CA	$510,971
Contra Costa Health Services	CA	$290,355
Resources for Community Development	CA	$70,187
Catholic Charities CYO	CA	$140,267
Housing Authority of the City of Los Angeles (HACLA)	CA	$440,040
City of Fremont	CA	$269,790
Housing Authority of the City of Los Angeles (HACLA)	CA	$343,260
Housing Authority of the City of Los Angeles (HACLA)	CA	$1,417,320
Housing Authority of the City of Los Angeles (HACLA)	CA	$141,648
Housing Authority of the City of Los Angeles (HACLA)	CA	$1,649,172
Housing Authority of the City of Los Angeles (HACLA)	CA	$267,048
Housing Authority of the City of Los Angeles (HACLA)	CA	$146,448
Housing Authority of the City of Los Angeles (HACLA)	CA	$209,280
Housing Authority of the City of Los Angeles (HACLA)	CA	$1,172,232
Housing Authority of the City of Los Angeles (HACLA)	CA	$1,263,744
Housing Authority of the City of Los Angeles (HACLA)	CA	$151,872
Housing Authority of the City of Los Angeles (HACLA)	CA	$216,960
Housing Authority of the City of Los Angeles (HACLA)	CA	$6,273,720
Housing Authority of the City of Los Angeles (HACLA)	CA	$286,728
The Association For Community Housing Solutions	CA	$73,500
Housing Authority of the City of Los Angeles (HACLA)	CA	$308,880
Housing Authority of the City of Los Angeles (HACLA)	CA	$2,237,400
Housing Authority of the City of Los Angeles (HACLA)	CA	$376,332
Housing Authority of the City of Los Angeles (HACLA)	CA	$310,524
Housing Authority of the City of Los Angeles (HACLA)	CA	$1,773,648
Housing Authority of the City of Los Angeles (HACLA)	CA	$686,520
Housing Authority of the City of Los Angeles (HACLA)	CA	$365,304
Alameda County	CA	$1,090,393
Alameda County	CA	$184,771
Alameda County	CA	$4,003,776
Los Angeles Youth Network	CA	$40,528
Alameda County	CA	$952,128
Housing Authority of the City of Los Angeles (HACLA)	CA	$216,960
Community Action Agency of Butte County, Inc	CA	$45,880
Placer Women's Center dba PEACE for Families	CA	$217,898
Resources for Community Development	CA	$55,392
Many Mansions a California Non Profit Corporation	CA	$60,952
Many Mansions a California Non Profit Corporation	CA	$39,998

Recipient	State	Amount
Many Mansions a California Non Profit Corporation	CA	$61,600
El Dorado County Human Services-Community Services Division	CA	$13,339
Many Mansions a California Non Profit Corporation	CA	$59,911
Fred Finch Children's Home	CA	$651,460
City of Berkeley	CA	$117,648
City of Berkeley	CA	$1,814,400
City of Berkeley	CA	$114,468
The Ark of Refuge, Inc	CA	$208,502
Housing Authority of the City of Los Angeles (HACLA)	CA	$986,100
Community Action Agency of Butte County, Inc	CA	$53,946
Resources for Community Development	CA	$75,528
Community Action Agency of Butte County, Inc	CA	$105,000
Community Housing Partnership	CA	$157,490
City and County of San Francisco	CA	$508,873
Alameda County	CA	$44,122
Alameda County	CA	$687,732
Alameda County	CA	$157,189
Alameda County	CA	$181,335
Alameda County	CA	$384,582
Alameda County	CA	$130,164
Alameda County	CA	$79,800
City and County of San Francisco	CA	$684,014
Alameda County	CA	$192,266
Alameda County	CA	$42,170
City and County of San Francisco	CA	$47,700
San Diego Housing Commission	CA	$208,896
City and County of San Francisco	CA	$303,572
City and County of San Francisco	CA	$353,232
City and County of San Francisco	CA	$776,640
City and County of San Francisco	CA	$240,685
City and County of San Francisco	CA	$234,609
City and County of San Francisco	CA	$132,117
San Diego Housing Commission	CA	$178,488
City and County of San Francisco	CA	$194,160
City and County of San Francisco	CA	$179,026
City and County of San Francisco	CA	$509,076
SHELTER, Inc. of Contra Costa County	CA	$692,099
City and County of San Francisco	CA	$381,721
San Diego Housing Commission	CA	$186,120
City and County of San Francisco	CA	$77,616
City and County of San Francisco	CA	$954,809
City and County of San Francisco	CA	$760,152
City and County of San Francisco	CA	$97,080
City and County of San Francisco	CA	$1,173,199
City and County of San Francisco	CA	$135,219
City and County of San Francisco	CA	$174,744
City and County of San Francisco	CA	$359,777
City and County of San Francisco	CA	$563,064
City and County of San Francisco	CA	$73,008
City and County of San Francisco	CA	$145,620
City and County of San Francisco	CA	$75,588
City and County of San Francisco	CA	$284,592
Pacific Clinics	CA	$960,122
Veterans Transition Center	CA	$79,420
Veterans Transition Center	CA	$194,525
Community Housing and Shelter Services	CA	$264,741
Swords to Plowshares Veterans Rights Organization	CA	$254,335
Swords to Plowshares Veterans Rights Organization	CA	$232,623
Poverello House	CA	$708,338
Inland Behavioral and Health Services, Inc	CA	$367,063
Housing Authority of the County of Santa Cruz	CA	$190,320
Housing Authority of the County of Santa Cruz	CA	$56,000
Homeward Bound of Marin	CA	$30,789
Homeward Bound of Marin	CA	$50,148
Homeward Bound of Marin	CA	$326,216
City and County of San Francisco	CA	$873,720
San Diego Housing Commission	CA	$350,400
City and County of San Francisco	CA	$75,407
Bill Wilson Center	CA	$554,340
Bill Wilson Center	CA	$303,562
City and County of San Francisco	CA	$1,099,560
San Diego Housing Commission	CA	$284,076
San Diego Housing Commission	CA	$189,504
City and County of San Francisco	CA	$2,000,000

Recipient	State	Amount
San Diego Housing Commission	CA	$136,128
City and County of San Francisco	CA	$331,020
Lompoc Housing and Community Development Corporation	CA	$36,565
Lompoc Housing and Community Development Corporation	CA	$49,875
San Diego Housing Commission	CA	$184,320
City and County of San Francisco	CA	$799,368
Homeward Bound of Marin	CA	$197,531
Berkeley Food and Housing Project	CA	$242,217
City and County of San Francisco	CA	$180,074
Buckelew Programs	CA	$170,040
Buckelew Programs	CA	$27,476
Buckelew Programs	CA	$196,698
Buckelew Programs	CA	$164,490
Bridge Focus Inc	CA	$99,225
West Valley Community Services of Santa Clara County, Inc	CA	$82,533
Santa Barbara County	CA	$160,586
County of Santa Cruz Health Services Agency	CA	$363,625
South County Housing Corporation	CA	$92,011
Transitional Living and Community Support, Inc	CA	$256,849
Transitional Living and Community Support, Inc	CA	$305,666
Santa Barbara County	CA	$102,810
Transitional Living and Community Support, Inc	CA	$246,855
Santa Barbara County	CA	$17,850
Berkeley Food and Housing Project	CA	$253,627
Berkeley Food and Housing Project	CA	$141,019
A Community of Friends	CA	$175,000
A Community of Friends	CA	$52,250
Penny Lane Centers	CA	$174,969
A Community of Friends	CA	$213,003
LifeLong Medical Care	CA	$539,398
Victor Valley Domestic Violence, Inc	CA	$283,537
Fresno County Economic Opportunities	CA	$577,956
Sonoma County Community Development Commission	CA	$448,560
Sonoma County Community Development Commission	CA	$216,432
Sonoma County Community Development Commission	CA	$135,329
Transitional Living and Community Support, Inc	CA	$75,142
Housing Authority of the County of San Mateo	CA	$1,398,288
Community Action Partnership of Sonoma County	CA	$40,624
City and County of San Francisco	CA	$114,640
City and County of San Francisco	CA	$127,185
City and County of San Francisco	CA	$636,564
City and County of San Francisco	CA	$835,608
City and County of San Francisco	CA	$576,984
City and County of San Francisco	CA	$355,787
Turning Point of Central California, Inc	CA	$74,602
Covenant House California	CA	$129,736
Turning Point of Central California, Inc	CA	$173,564
Housing Authority of the County of Santa Cruz	CA	$62,040
New Economics for Women	CA	$155,254
Upward Bound House	CA	$281,424
Housing Authority of the County of San Mateo	CA	$763,433
City and County of San Francisco	CA	$270,923
Housing Authority of the County of San Mateo	CA	$944,928
Santa Clara Unified School District	CA	$200,534
Colette's Children Home, Inc	CA	$157,278
Coalition of Homeless Services Providers	CA	$70,875
Colette's Children Home, Inc	CA	$127,309
Community Technology Alliance	CA	$303,716
Compass Community Services	CA	$295,006
United Way of Ventura County	CA	$44,541
United Way of Ventura County	CA	$44,541
Community Awareness & Treatment Services, Inc	CA	$348,153
Family Supportive Housing, Inc	CA	$211,231
Family Supportive Housing, Inc	CA	$201,927
North County Serenity House	CA	$44,207
City of Tulare	CA	$185,100
Larkin Street Youth Services	CA	$110,624
Glenn County Human Resource Agency	CA	$111,173
Humboldt, County of, DBA—Dept. of Health and Human Services	CA	$82,353
Humboldt, County of, DBA—Dept. of Health and Human Services	CA	$53,954
County of Tuolumne	CA	$59,234
YWCA of Central Orange County	CA	$93,880
Mendocino County Health and Human Services Agency	CA	$200,412
Housing Authority of the County of Santa Clara	CA	$2,407,056

Recipient	State	Amount
Bonita House, Inc	CA	$33,080
Shelter Network of San Mateo County	CA	$381,471
County of Napa	CA	$125,794
Transition House	CA	$61,763
Transition House	CA	$55,792
Veterans First	CA	$254,804
Shelter Network of San Mateo County	CA	$52,500
Shelter Network of San Mateo County	CA	$131,250
Shelter Network of San Mateo County	CA	$225,750
Shelter Network of San Mateo County	CA	$131,250
Shelter Network of San Mateo County	CA	$494,788
Anka Behavioral Health Services	CA	$105,311
Transitions-Mental Health Association	CA	$55,000
Housing Authority of Contra Costa County	CA	$262,320
County of Riverside	CA	$136,166
County of Riverside	CA	$325,277
County of Riverside	CA	$350,857
County of Riverside	CA	$235,620
City of Davis	CA	$106,752
County of Riverside	CA	$42,192
County of Riverside	CA	$380,448
County of Riverside	CA	$72,654
San Luis Obispo County	CA	$60,000
Veterans First	CA	$159,700
Housing Authority of Contra Costa County	CA	$2,749,500
Anka Behavioral Health Services	CA	$494,271
Anka Behavioral Health Services	CA	$155,027
Economic Opportunity Commission of San Luis Obispo County, I	CA	$48,091
Economic Opportunity Commission of San Luis Obispo County, I	CA	$477,246
Economic Opportunity Commission of San Luis Obispo County, I	CA	$211,395
County of Napa	CA	$13,500
County of Napa	CA	$19,950
Housing Authority of Contra Costa County	CA	$393,480
Colorado Coalition for the Homeless	CO	$146,856
Greeley Center for Independence, Inc	CO	$30,893
Colorado Coalition for the Homeless	CO	$73,821
Colorado Coalition for the Homeless	CO	$40,320
Colorado Coalition for the Homeless	CO	$117,967
Colorado Coalition for the Homeless	CO	$19,416
Housing Solutions for the Southwest	CO	$19,008
Colorado Coalition for the Homeless	CO	$182,725
Colorado Coalition for the Homeless	CO	$132,363
Family Tree, Inc	CO	$80,085
Third Way Center, Inc	CO	$116,538
Colorado Coalition for the Homeless	CO	$78,500
Colorado Coalition for the Homeless	CO	$132,768
Colorado Coalition for the Homeless	CO	$289,760
Colorado Coalition for the Homeless	CO	$85,521
Colorado Coalition for the Homeless	CO	$114,994
Grand Valley Catholic Outreach, Inc	CO	$97,151
The Housing Authority City Boulder dba Boulder Housing Partner	CO	$29,903
The Salvation Army, a California Corporation	CO	$19,050
Denver Department of Human Services	CO	$88,848
Denver Department of Human Services	CO	$66,672
Denver Department of Human Services	CO	$301,812
Denver Department of Human Services	CO	$83,340
Denver Department of Human Services	CO	$842,484
Denver Department of Human Services	CO	$152,064
Denver Department of Human Services	CO	$422,928
Denver Department of Human Services	CO	$168,960
Denver Department of Human Services	CO	$101,376
City of Colorado Springs	CO	$66,267
Denver Department of Human Services	CO	$346,368
Posada, Inc	CO	$249,900
Colorado Coalition for the Homeless	CO	$413,642
Colorado Springs Housing Authority	CO	$98,280
Volunteers of America Colorado Branch	CO	$166,245
The Salvation Army, a California Corporation	CO	$107,000
North Range Behavioral Health	CO	$109,543
Community Housing Services, Inc	CO	$970,595
Colorado Department of Local Affairs	CO	$19,151
Pikes Peak United Way	CO	$141,776
Pikes Peak United Way	CO	$55,000
Colorado Department of Human Services	CO	$85,872

Recipient	State	Amount
Colorado Department of Human Services	CO	$341,335
Colorado Department of Human Services	CO	$2,050,944
Colorado Department of Human Services	CO	$273,528
Colorado Department of Human Services	CO	$106,200
Urban Peak Denver	CO	$104,160
Volunteers of America Colorado Branch	CO	$514,783
Denver Department of Human Services	CO	$323,772
Partners In Housing, Inc	CO	$50,710
Colorado Coalition for the Homeless	CO	$1,578,753
Colorado Coalition for the Homeless	CO	$457,654
Colorado Coalition for the Homeless	CO	$840,860
Colorado Coalition for the Homeless	CO	$276,339
Colorado Coalition for the Homeless	CO	$319,609
Partners In Housing, Inc	CO	$88,784
Colorado Coalition for the Homeless	CO	$48,549
Partners In Housing, Inc	CO	$32,510
Colorado Coalition for the Homeless	CO	$507,627
Partners In Housing, Inc	CO	$81,838
Colorado Coalition for the Homeless	CO	$479,236
Colorado Coalition for the Homeless	CO	$198,187
Colorado Coalition for the Homeless	CO	$107,439
Colorado Coalition for the Homeless	CO	$690,000
Colorado Coalition for the Homeless	CO	$108,293
Colorado Coalition for the Homeless	CO	$184,889
Colorado Coalition for the Homeless	CO	$91,065
Larimer Center for Mental Health	CO	$54,827
Colorado Coalition for the Homeless	CO	$84,135
Colorado Coalition for the Homeless	CO	$109,948
Colorado Coalition for the Homeless	CO	$137,292
Colorado Coalition for the Homeless	CO	$619,334
Colorado Coalition for the Homeless	CO	$60,529
Immaculate Conception Shelter & Housing Corporation	CT	$99,993
Mercy Housing and Shelter Corporation	CT	$241,190
Mid Fairfield AIDS Project, Inc	CT	$49,496
My Sisters' Place, Inc	CT	$249,999
United Way of Norwalk & Wilton	CT	$113,966
Family and Children's Agency	CT	$146,177
City of Bridgeport	CT	$173,520
Regional Network of Programs, Inc	CT	$265,768
CT Department of Mental Health and Addiction Services	CT	$337,368
New Opportunities, Inc	CT	$40,485
Friendship Service Center of New Britain, Inc	CT	$96,272
Catholic Charities of Fairfield County, Inc	CT	$381,026
Immaculate Conception Shelter & Housing Corporation	CT	$233,579
Immaculate Conception Shelter & Housing Corporation	CT	$268,894
City of Bridgeport	CT	$144,756
City of Bridgeport	CT	$139,857
New Opportunities, Inc	CT	$384,559
ReFocus Outreach Ministry, Inc	CT	$189,825
City of Bridgeport	CT	$202,514
Emerge, Inc	CT	$44,890
CT Department of Mental Health and Addiction Services	CT	$1,544,256
CT Department of Mental Health and Addiction Services	CT	$222,900
CT Department of Mental Health and Addiction Services	CT	$213,380
CT Department of Mental Health and Addiction Services	CT	$250,500
CT Department of Mental Health and Addiction Services	CT	$187,992
Mid Fairfield AIDS Project, Inc	CT	$123,200
Pathways, Inc	CT	$39,676
Shelter for the Homeless, Inc	CT	$84,051
CT Department of Mental Health and Addiction Services	CT	$112,704
Connecticut Coalition to End Homelessness	CT	$50,000
CT Department of Mental Health and Addiction Services	CT	$270,940
CT Department of Mental Health and Addiction Services	CT	$76,356
St. Philip House, Inc	CT	$165,569
Windham Regional Community Council	CT	$279,758
CT Department of Mental Health and Addiction Services	CT	$110,292
CT Department of Mental Health and Addiction Services	CT	$105,696
Connecticut Women's Consortium, Inc	CT	$173,249
Christian Community Action, Inc	CT	$200,025
American Red Cross Middlesex Central CT Chapter	CT	$135,640
CT Department of Mental Health and Addiction Services	CT	$237,344
CT Department of Mental Health and Addiction Services	CT	$49,800
CT Department of Mental Health and Addiction Services	CT	$414,840
St. Vincent DePaul Place, Middletown, Inc	CT	$23,789

Recipient	State	Amount
Friendship Service Center of New Britain, Inc	CT	$229,818
St. Luke's Community Services, Inc	CT	$398,715
CT Department of Mental Health and Addiction Services	CT	$446,160
United Way of Coastal Fairfield County	CT	$39,999
CT Department of Mental Health and Addiction Services	CT	$200,400
Housing Authority of the City of Danbury	CT	$142,320
Friendship Service Center of New Britain, Inc	CT	$210,007
Housing Authority of City of Torrington	CT	$70,920
Friendship Service Center of New Britain, Inc	CT	$48,785
CT Department of Mental Health and Addiction Services	CT	$120,744
Connecticut Coalition to End Homelessness	CT	$63,329
Birmingham Group Health Services, Inc	CT	$137,659
CT Department of Mental Health and Addiction Services	CT	$184,044
Chrysalis Center, Inc	CT	$211,747
Torrington Community Housing Corporation	CT	$95,736
Thames River Community Service Inc	CT	$195,983
Friendship Service Center of New Britain, Inc	CT	$107,311
CT Department of Mental Health and Addiction Services	CT	$334,284
CT Department of Mental Health and Addiction Services	CT	$138,552
CT Department of Mental Health and Addiction Services	CT	$132,360
Alliance for Living, Inc	CT	$75,705
CT Department of Mental Health and Addiction Services	CT	$1,141,680
CT Department of Mental Health and Addiction Services	CT	$167,280
CT Department of Mental Health and Addiction Services	CT	$78,588
CT Department of Mental Health and Addiction Services	CT	$169,068
Liberation Programs, Inc	CT	$179,626
Hall-Brooke Behavioral Health Services	CT	$746,102
CT Department of Mental Health and Addiction Services	CT	$208,404
InterCommunity Mental Health Group Inc	CT	$71,015
St. Vincent DePaul Mission of Waterbury, Inc	CT	$301,051
InterCommunity Mental Health Group Inc	CT	$155,015
CT Department of Mental Health and Addiction Services	CT	$100,887
Operation Hope of Fairfield, Inc	CT	$191,711
CTE, Inc	CT	$132,882
The Thames Valley Council for Community Action, Inc	CT	$673,047
Applied Behavioral Rehabilitation Institute, Inc	CT	$99,878
Holy Family Home and Shelter, Inc	CT	$125,631
Liberty Community Services, Inc	CT	$292,500
Liberty Community Services, Inc	CT	$1,049,463
Young Women's Christian Association of the Hartford Region	CT	$166,667
South Park Inn, Inc	CT	$284,289
CT Department of Mental Health and Addiction Services	CT	$199,068
Hall-Brooke Behavioral Health Services	CT	$96,366
CT Department of Mental Health and Addiction Services	CT	$150,300
CT Department of Mental Health and Addiction Services	CT	$71,160
CT Department of Mental Health and Addiction Services	CT	$453,204
Community Health Resources	CT	$111,267
Bethsaida Community, Inc	CT	$87,528
Bethsaida Community, Inc	CT	$86,984
CT Department of Mental Health and Addiction Services	CT	$416,864
Mutual Housing Association of Southwestern Connecticut, Inc	CT	$165,900
Harbor Health Services, Inc	CT	$63,548
Community Renewal Team, Inc	CT	$212,611
CT Department of Mental Health and Addiction Services	CT	$1,473,408
St. Vincent DePaul Mission of Bristol, Inc	CT	$27,019
Youth Continuum	CT	$304,160
Hall-Brooke Behavioral Health Services	CT	$309,030
Housing Authority of the City of Waterbury	CT	$34,860
Women's Center of Southeastern Connecticut, Inc	CT	$50,584
Community Renewal Team, Inc	CT	$369,918
Housing Authority of the City of Waterbury	CT	$201,936
St. Vincent DePaul Mission of Bristol, Inc	CT	$321,830
Harbor Health Services, Inc	CT	$16,462
Housing Authority of the City of Waterbury	CT	$230,712
Community Mental Health Affiliates	CT	$197,940
Housing Authority City of Norwalk	CT	$163,440
Columbus House, Inc	CT	$30,902
Micah Housing, Inc	CT	$73,909
Micah Housing, Inc	CT	$73,501
CT Department of Mental Health and Addiction Services	CT	$187,992
Laurel House, Inc	CT	$19,703
Housing Authority of the City of Waterbury	CT	$77,040
The Salvation Army	CT	$73,150
Housing Authority of the City of Waterbury	CT	$90,240

Recipient	State	Amount
Community Renewal Team, Inc	CT	$55,860
Norwalk Emergency Shelter, Inc	CT	$47,830
Laurel House, Inc	CT	$89,895
Laurel House, Inc	CT	$20,087
Community Renewal Team, Inc	CT	$475,913
United Way of Western Connecticut	CT	$49,999
Community Renewal Team, Inc	CT	$576,997
The Community Partnership for the Prevention of Homelessness	DC	$899,866
The Community Partnership for the Prevention of Homelessness	DC	$141,214
The Community Partnership for the Prevention of Homelessness	DC	$275,106
The Community Partnership for the Prevention of Homelessness	DC	$100,905
The Community Partnership for the Prevention of Homelessness	DC	$144,758
The Community Partnership for the Prevention of Homelessness	DC	$149,203
The Community Partnership for the Prevention of Homelessness	DC	$121,727
House of Ruth	DC	$84,383
Community Family Life Services, Inc	DC	$140,205
Transitional Housing Corporation	DC	$127,720
The Community Partnership for the Prevention of Homelessness	DC	$132,300
The Community Partnership for the Prevention of Homelessness	DC	$592,184
The Community Partnership for the Prevention of Homelessness	DC	$201,038
House of Ruth	DC	$114,586
The Community Partnership for the Prevention of Homelessness	DC	$102,199
House of Ruth	DC	$144,083
District of Columbia Department of Housing and Urban Develop	DC	$800,208
The Community Partnership for the Prevention of Homelessness	DC	$430,837
District of Columbia Department of Housing and Urban Develop	DC	$2,761,740
The Community Partnership for the Prevention of Homelessness	DC	$78,342
The Community Partnership for the Prevention of Homelessness	DC	$134,834
SOME, Inc	DC	$513,940
The Community Partnership for the Prevention of Homelessness	DC	$75,000
The Community Partnership for the Prevention of Homelessness	DC	$541,313
The Community Partnership for the Prevention of Homelessness	DC	$285,457
The Community Partnership for the Prevention of Homelessness	DC	$86,003
The Community Partnership for the Prevention of Homelessness	DC	$239,506
House of Ruth	DC	$321,806
SOME, Inc	DC	$101,333
The Community Partnership for the Prevention of Homelessness	DC	$165,819
Families Forward, Inc	DC	$234,862
Families Forward, Inc	DC	$207,041
Sasha Bruce Youthwork, Inc	DC	$189,057
The Community Partnership for the Prevention of Homelessness	DC	$232,879
The Community Partnership for the Prevention of Homelessness	DC	$245,421
The Community Partnership for the Prevention of Homelessness	DC	$261,004
The Salvation Army, a Georgia Corporation	DC	$475,935
The Community Partnership for the Prevention of Homelessness	DC	$189,000
Community Connections, Inc	DC	$98,751
Sasha Bruce Youthwork, Inc	DC	$129,593
Catholic Charities of the Archdiocese of Washington DC	DC	$171,840
Sasha Bruce Youthwork, Inc	DC	$67,628
Coalition for the Homeless	DC	$171,453
District of Columbia Department of Health HIV/AIDS Administration	DC	$287,592
District of Columbia Department of Health HIV/AIDS Administration	DC	$217,152
The Community Partnership for the Prevention of Homelessness	DC	$148,924
Community Connections, Inc	DC	$106,863
The Community Partnership for the Prevention of Homelessness	DC	$350,173
The Community Partnership for the Prevention of Homelessness	DC	$150,000
The Community Partnership for the Prevention of Homelessness	DC	$211,621
Pathways to Housing DC	DC	$514,025
The Community Partnership for the Prevention of Homelessness	DC	$109,725
The Community Partnership for the Prevention of Homelessness	DC	$143,742
The Community Partnership for the Prevention of Homelessness	DC	$181,025
The Community Partnership for the Prevention of Homelessness	DC	$141,366
The Community Partnership for the Prevention of Homelessness	DC	$110,674
The Community Partnership for the Prevention of Homelessness	DC	$204,747
Hannah House, Inc	DC	$148,115
The Community Partnership for the Prevention of Homelessness	DC	$851,548
The Community Partnership for the Prevention of Homelessness	DC	$78,750
SOME, Inc	DC	$323,673
The Community Partnership for the Prevention of Homelessness	DC	$1,866,274
Delaware	DE	$1,276,317
Connections CSP, Inc	DE	$249,240
Connections CSP, Inc	DE	$212,970
Connections CSP, Inc	DE	$149,429
The Ministry of Caring Inc	DE	$129,874

Recipient	State	Amount
The Ministry of Caring Inc	DE	$647,697
Gateway House, Inc	DE	$67,334
Connections CSP, Inc	DE	$152,421
Delaware	DE	$26,596
West End Neighborhood House Inc	DE	$252,207
YWCA Delaware Inc	DE	$323,967
The Ministry of Caring Inc	DE	$66,467
The Ministry of Caring Inc	DE	$200,408
Connections CSP, Inc	DE	$399,128
The Ministry of Caring Inc	DE	$145,034
Connections CSP, Inc	DE	$291,161
The Ministry of Caring Inc	DE	$374,174
The Ministry of Caring Inc	DE	$212,357
The Ministry of Caring Inc	DE	$45,612
Delaware	DE	$128,049
Adopt-A-Family of the Palm Beaches, Inc	FL	$207,038
Miami-Dade County	FL	$460,236
Miami-Dade County	FL	$219,943
Miami-Dade County	FL	$363,478
Homeless Services Network of Central Florida, Inc	FL	$92,302
Homeless Services Network of Central Florida, Inc	FL	$61,950
Miami-Dade County	FL	$40,533
Homeless Services Network of Central Florida, Inc	FL	$127,840
Miami-Dade County	FL	$118,393
Miami-Dade County	FL	$63,993
Miami-Dade County	FL	$349,770
Miami-Dade County	FL	$343,080
Miami-Dade County	FL	$1,303,680
Volunteers of America of Florida, Inc	FL	$217,549
Miami-Dade County	FL	$113,661
The Lord's Place, Inc	FL	$283,023
Miami-Dade County	FL	$192,664
Miami-Dade County	FL	$555,720
Miami-Dade County	FL	$264,012
Miami-Dade County	FL	$434,828
Miami-Dade County	FL	$650,784
Miami-Dade County	FL	$528,062
Coalition For The Hungry and Homeless of Brevard County, Inc	FL	$230,453
Volunteers of America of Florida, Inc	FL	$68,612
Homeless Services Network of Central Florida, Inc	FL	$259,900
Homeless Services Network of Central Florida, Inc	FL	$517,942
Homeless Services Network of Central Florida, Inc	FL	$181,989
Homeless Services Network of Central Florida, Inc	FL	$124,388
Homeless Services Network of Central Florida, Inc	FL	$94,852
Family Renew Community, Inc	FL	$52,980
Coalition For The Hungry and Homeless of Brevard County, Inc	FL	$4,810
Family Renew Community, Inc	FL	$19,045
Miami-Dade County	FL	$377,223
Alpha House of Tampa, Inc	FL	$68,819
Alpha House of Tampa, Inc	FL	$77,219
Alpha House of Tampa, Inc	FL	$83,013
Coalition For The Hungry and Homeless of Brevard County, Inc	FL	$171,054
Coalition For The Hungry and Homeless of Brevard County, Inc	FL	$151,788
Coalition For The Hungry and Homeless of Brevard County, Inc	FL	$137,327
Miami-Dade County	FL	$149,891
Volunteers of America of Florida, Inc	FL	$57,177
Adopt-A-Family of the Palm Beaches, Inc	FL	$207,811
Highlands County Coalition for the Homeless, Inc	FL	$39,309
The Salvation Army, a Georgia Corporation	FL	$127,780
Homeless Coalition of Polk, Inc	FL	$116,531
Homeless Services Network of Central Florida, Inc	FL	$243,898
Collier County Board of County Commissioners	FL	$113,000
Punta Gorda Housing Authority	FL	$105,456
Volunteers of America of Florida, Inc	FL	$698,113
The Lord's Place, Inc	FL	$182,984
Volunteers of America of Florida, Inc	FL	$344,110
Volunteers of America of Florida, Inc	FL	$382,628
Volunteers of America of Florida, Inc	FL	$358,313
Homeless Services Network of Central Florida, Inc	FL	$1,116,127
Homeless Services Network of Central Florida, Inc	FL	$240,597
The Salvation Army, a Georgia Corporation for the Salvation Army	FL	$233,735
Homeless Services Network of Central Florida, Inc	FL	$278,427
Volunteers of America of Florida, Inc	FL	$354,510
Homeless Services Network of Central Florida, Inc	FL	$52,500

Recipient	State	Amount
Lakeview Center Incorporated	FL	$158,701
Lakeview Center Incorporated	FL	$105,777
Lakeview Center Incorporated	FL	$307,887
Homeless Services Network of Central Florida, Inc	FL	$123,134
Homeless Services Network of Central Florida, Inc	FL	$78,352
Homeless Services Network of Central Florida, Inc	FL	$51,747
Escarosa Coalition on the Homeless, Inc	FL	$108,273
Big Bend Homeless Coalition, Inc	FL	$311,105
Homeless Services Network of Central Florida, Inc	FL	$84,630
Homeless Services Network of Central Florida, Inc	FL	$48,999
Homeless Services Network of Central Florida, Inc	FL	$42,105
Homeless Services Network of Central Florida, Inc	FL	$175,988
Homeless Services Network of Central Florida, Inc	FL	$210,000
Homeless Services Network of Central Florida, Inc	FL	$283,455
The Salvation Army, a Georgia Corporation	FL	$71,045
Agency for Community Treatment Services, Inc. (ACTS)	FL	$42,997
Agency for Community Treatment Services, Inc. (ACTS)	FL	$23,333
Homeless Services Network of Central Florida, Inc	FL	$37,203
Community Connections of Jacksonville, Inc	FL	$532,794
Miami-Dade County	FL	$125,000
Agency for Community Treatment Services, Inc. (ACTS)	FL	$403,035
Domestic Abuse Council, Inc	FL	$125,490
Domestic Abuse Council, Inc	FL	$70,498
Domestic Abuse Council, Inc	FL	$62,815
Talbot House Ministries of Lakeland, Inc	FL	$47,374
Talbot House Ministries of Lakeland, Inc	FL	$255,925
Homeless Services Network of Central Florida, Inc	FL	$168,345
Community Connections of Jacksonville, Inc	FL	$162,380
Homeless Services Network of Central Florida, Inc	FL	$123,553
Community Connections of Jacksonville, Inc	FL	$228,950
Serenity House of Volusia, Inc	FL	$171,920
Serenity House of Volusia, Inc	FL	$129,273
Serenity House of Volusia, Inc	FL	$191,250
Serenity House of Volusia, Inc	FL	$23,012
Serenity House of Volusia, Inc	FL	$60,249
Serenity House of Volusia, Inc	FL	$138,886
Loaves and Fishes Soup Kitchen, Inc	FL	$250,912
Homeless and Hunger Coalition of Northwest Florida, Inc	FL	$45,222
Coalition for the Homeless of Pasco County, Inc	FL	$13,856
Miami-Dade County	FL	$712,327
Seminole County Government	FL	$568,920
Agency for Community Treatment Services, Inc. (ACTS)	FL	$171,597
Mid Florida Homeless Coalition, Inc	FL	$78,143
Agency for Community Treatment Services, Inc. (ACTS)	FL	$93,181
Agency for Community Treatment Services, Inc. (ACTS)	FL	$50,400
Suncoast Partnership to End Homelessness, Inc	FL	$37,993
United Way of Suwannee Valley	FL	$32,146
Children's Home Society of Florida	FL	$129,156
Young Women's Christian Association of Tampa Bay, Inc	FL	$176,237
Coalition for the Homeless of Pasco County, Inc	FL	$19,950
Agency for Community Treatment Services, Inc. (ACTS)	FL	$169,270
Coalition for the Homeless of Pasco County, Inc	FL	$189,929
Orange County Housing and Community Development Division	FL	$134,472
Okaloosa Walton Homeless Continuum of Care/Opportunity, Inc	FL	$61,853
Monroe Association for Retarded Citizens, Inc	FL	$102,268
The Salvation Army, a Georgia Corporation, for The Salvation Army	FL	$170,432
Suncoast Partnership to End Homelessness, Inc	FL	$37,698
Boley Centers, Inc	FL	$77,363
Homeless Emergency Project, Inc	FL	$33,101
Homeless Emergency Project, Inc	FL	$71,000
Homeless Emergency Project, Inc	FL	$60,851
Community Action Stops Abuse, Inc	FL	$241,151
Religious Community Services, Inc	FL	$110,056
Boley Centers, Inc	FL	$294,918
Clara White Mission, Inc	FL	$132,039
Agency for Community Treatment Services, Inc. (ACTS)	FL	$48,153
Boley Centers, Inc	FL	$82,554
Volusia/Flagler County Coalition for the Homeless	FL	$85,286
Boley Centers, Inc	FL	$356,438
Boley Centers, Inc	FL	$253,779
Boley Centers, Inc	FL	$581,560
Boley Centers, Inc	FL	$375,768
Operation PAR, Inc	FL	$100,452
Brookwood Florida-Central, Inc	FL	$98,430

Recipient	State	Amount
Volusia/Flagler County Coalition for the Homeless	FL	$54,566
Emergency Services and Homeless Coalition of Jacksonville	FL	$75,042
Boley Centers, Inc	FL	$133,929
Miami-Dade County	FL	$85,677
Tri-County Human Services, Inc	FL	$76,199
The Wilson House, Inc	FL	$96,337
Miami-Dade County	FL	$297,336
Miami-Dade County	FL	$177,066
United Way of Marion County	FL	$62,160
Miami-Dade County	FL	$46,964
Miami-Dade County	FL	$262,174
Miami-Dade County	FL	$534,832
Miami-Dade County	FL	$357,790
Miami-Dade County	FL	$437,868
Miami-Dade County	FL	$34,188
Mental Health Care Inc	FL	$199,500
Mental Health Care Inc	FL	$295,333
Mental Health Care Inc	FL	$839,791
Miami-Dade County	FL	$222,288
Miami-Dade County	FL	$339,721
Agency for Community Treatment Services, Inc. (ACTS)	FL	$133,334
Miami-Dade County	FL	$487,296
Miami-Dade County	FL	$106,992
Miami-Dade County	FL	$33,957
Miami-Dade County	FL	$176,264
Miami-Dade County	FL	$296,020
Miami-Dade County	FL	$150,685
Miami-Dade County	FL	$347,128
Miami-Dade County	FL	$12,075
Miami-Dade County	FL	$292,660
Tri-County Human Services, Inc	FL	$76,052
Miami-Dade County	FL	$879,311
Tri-County Human Services, Inc	FL	$96,337
Miami-Dade County	FL	$162,685
Miami-Dade County	FL	$318,974
Miami-Dade County	FL	$151,582
Miami-Dade County	FL	$129,138
Miami-Dade County	FL	$57,668
The Salvation Army, a Georgia Corporation	FL	$107,625
Miami-Dade County	FL	$714,079
Miami-Dade County	FL	$194,592
Miami-Dade County	FL	$138,789
Oakwood Center of The Palm Beaches, Inc	FL	$137,615
Collier County Board of County Commissioners	FL	$113,117
Homeless Services Network of Central Florida, Inc	FL	$156,661
Homeless Services Network of Central Florida, Inc	FL	$81,885
Miami-Dade County	FL	$53,112
Miami-Dade County	FL	$108,612
Collier County Board of County Commissioners	FL	$104,646
Mental Health Resource Center, Inc	FL	$252,317
Miami-Dade County	FL	$251,071
Flagler Ecumenical Social Service Center, Inc	FL	$73,167
Miami-Dade County	FL	$178,171
Oakwood Center of The Palm Beaches, Inc	FL	$386,104
Miami-Dade County	FL	$314,753
Miami-Dade County	FL	$321,509
Miami-Dade County	FL	$390,590
Catholic Charities of the Archdiocese of Miami, Inc	FL	$172,517
Emergency Services and Homeless Coalition of Jacksonville	FL	$463,275
Emergency Services and Homeless Coalition of Jacksonville	FL	$64,374
Miami-Dade County	FL	$285,900
Miami-Dade County	FL	$114,360
Miami-Dade County	FL	$948,503
Miami-Dade County	FL	$273,807
Miami-Dade County	FL	$352,358
Miami-Dade County	FL	$336,002
Miami-Dade County	FL	$737,089
Miami-Dade County	FL	$687,505
Miami-Dade County	FL	$893,037
Miami-Dade County	FL	$220,336
Miami-Dade County	FL	$127,744
Miami-Dade County	FL	$161,668
Miami-Dade County	FL	$347,796
Miami-Dade County	FL	$154,980

Recipient	State	Amount
Miami-Dade County	FL	$394,999
Miami-Dade County	FL	$79,581
Miami-Dade County	FL	$169,798
Miami-Dade County	FL	$162,929
Miami-Dade County	FL	$84,000
Miami-Dade County	FL	$226,056
Miami-Dade County	FL	$425,391
Broward County Board of County Commissioners	FL	$964,262
Broward County Board of County Commissioners	FL	$81,406
Broward County Board of County Commissioners	FL	$948,025
Broward County Board of County Commissioners	FL	$284,042
Broward County Board of County Commissioners	FL	$346,049
Broward County Board of County Commissioners	FL	$969,696
Peace River Center for Personal Development Inc	FL	$184,688
Lee County Board of County Commissioners	FL	$75,084
Broward County Board of County Commissioners	FL	$388,548
The Salvation Army a Georgia Corporation	FL	$603,641
Broward County Board of County Commissioners	FL	$421,488
Broward County Board of County Commissioners	FL	$320,688
Aid to Victims of Domestic Abuse, Inc	FL	$106,540
Broward County Board of County Commissioners	FL	$1,266,936
Gateway Community Services, Inc	FL	$61,705
Gateway Community Services, Inc	FL	$54,727
Peace River Center for Personal Development Inc	FL	$99,574
Palm Beach County Board of County Commissioners	FL	$197,280
Lee County Board of County Commissioners	FL	$109,656
Lee County Board of County Commissioners	FL	$1,286,206
Lee County Board of County Commissioners	FL	$89,668
Lee County Board of County Commissioners	FL	$122,657
City of Gainesville	FL	$105,098
City of Gainesville	FL	$100,699
Broward County Board of County Commissioners	FL	$493,784
Palm Beach County Board of County Commissioners	FL	$442,158
Covenant House Florida, Inc	FL	$185,329
WestCare Gulf Coast-Florida, Inc	FL	$273,000
Palm Beach County Board of County Commissioners	FL	$431,520
2–1–1 Tampa Bay Cares, Inc	FL	$172,454
YWCA of Palm Beach County, FL	FL	$229,547
Project Return, Inc	FL	$153,956
Broward County Housing Authority	FL	$1,410,264
2–1–1 Brevard, Inc	FL	$76,751
Alachua County Housing Authority	FL	$80,569
Housing Partnership, Inc	FL	$62,587
River Region Human Services, Inc	FL	$258,775
Indian River County Board of County Commissioners	FL	$70,063
Indian River County Board of County Commissioners	FL	$69,264
Indian River County Board of County Commissioners	FL	$364,500
Gulfstream Goodwill Industries, Inc	FL	$607,322
Gulfstream Goodwill Industries, Inc	FL	$198,867
Indian River County Board of County Commissioners	FL	$105,300
Peaceful Paths Domestic Abuse Network, Inc	FL	$84,974
Indian River County Board of County Commissioners	FL	$153,900
The Salvation Army, a Georgiaa Corp, for The Salvation Army, Tampa	FL	$144,467
Housing Authority of the City of Tampa	FL	$171,960
The Salvation Army, a Georgiaa Corp, for The Salvation Army, Tampa	FL	$244,745
The Spring of Tampa Bay Inc	FL	$177,557
I.M. Sulzbacher Center for the Homeless, Inc	FL	$237,169
I.M. Sulzbacher Center for the Homeless, Inc	FL	$157,460
Crosswinds Youth Services, Inc	FL	$88,088
Gulfstream Goodwill Industries, Inc	FL	$184,029
Homeless Coalition of Hillsborough County, Inc	FL	$65,510
Broward County Board of County Commissioners	FL	$206,823
Bridgeway Center, Inc	FL	$327,898
Bridgeway Center, Inc	FL	$197,249
HOPE Family Services, Inc	FL	$70,387
Charlotte County Homeless Coalition, Inc	FL	$26,775
Homeless Coalition of Hillsborough County, Inc	FL	$44,191
Indian River County Board of County Commissioners	FL	$36,177
Homeless Coalition of Hillsborough County, Inc	FL	$63,333
Alpha House of Pinellas County	FL	$69,888
211 Palm Beach/Treasure Coast	FL	$20,636
211 Palm Beach/Treasure Coast	FL	$134,441
Miami-Dade County	FL	$124,621
Florida Keys Outreach Coalition, Inc	FL	$175,879

Recipient	State	Amount
Carrfour Supportive Housing	FL	$409,479
Martin County Board of County Commissioners	FL	$96,576
Martin County Board of County Commissioners	FL	$90,024
Homeless Coalition of Hillsborough County, Inc	FL	$150,000
Catholic Charities, Diocese of Venice, Inc	FL	$120,137
Catholic Charities, Diocese of Venice, Inc	FL	$79,166
Gainesville Housing Authority	FL	$94,752
Emergency Shelter & Homeless Coalition of St. Johns County	FL	$89,610
Goodwill of North Florida	FL	$284,588
Lee County Board of County Commissioners	FL	$180,510
Lee County Board of County Commissioners	FL	$119,722
Lee County Board of County Commissioners	FL	$79,320
Emergency Shelter & Homeless Coalition of St. Johns County	FL	$62,790
Gainesville Housing Authority	FL	$138,624
Lee County Board of County Commissioners	FL	$52,978
Georgia Housing and Finance Authority	GA	$169,500
Georgia Housing and Finance Authority	GA	$340,560
Georgia Housing and Finance Authority	GA	$106,512
Georgia Housing and Finance Authority	GA	$182,088
Georgia Housing and Finance Authority	GA	$186,360
Georgia Housing and Finance Authority	GA	$49,476
Georgia Housing and Finance Authority	GA	$284,040
Georgia Housing and Finance Authority	GA	$61,200
Georgia Housing and Finance Authority	GA	$584,100
Georgia Housing and Finance Authority	GA	$31,860
Georgia Housing and Finance Authority	GA	$946,800
Georgia Housing and Finance Authority	GA	$63,000
Georgia Housing and Finance Authority	GA	$80,508
H.O.P.E. Through Divine Intervention, Inc	GA	$159,819
Georgia Housing and Finance Authority	GA	$185,520
Georgia Housing and Finance Authority	GA	$1,057,500
Georgia Housing and Finance Authority	GA	$244,944
Hodac, Inc	GA	$42,891
Georgia Housing and Finance Authority	GA	$174,960
Georgia Housing and Finance Authority	GA	$328,200
Georgia Housing and Finance Authority	GA	$329,388
Georgia Housing and Finance Authority	GA	$276,084
Georgia Housing and Finance Authority	GA	$371,820
Saint Joseph's Mercy Care Services, Inc	GA	$36,823
Georgia Housing and Finance Authority	GA	$546,660
Goodwill Industries of Middle GA, Inc	GA	$89,761
Buckhead Christian Ministry	GA	$82,800
Loaves & Fishes Ministry of Macon, Inc	GA	$23,230
Progressive Redevelopment, Inc	GA	$563,245
Progressive Redevelopment, Inc	GA	$44,090
Gwinnett Housing Resource Partnership, Inc. dba: The IMPACT	GA	$146,895
Zion Keepers, Inc	GA	$50,692
Citizens Against Violence, Inc	GA	$269,179
Furniture Bank of Metro Atlanta, Inc	GA	$70,009
Georgia Law Center on Homelessness & Poverty Inc	GA	$295,200
YWCA of Northwest Georgia	GA	$173,053
Marietta Housing Authority	GA	$227,232
Open Door Community House, Inca	GA	$267,745
City of Hinesville	GA	$64,929
Georgia Housing and Finance Authority	GA	$106,608
Union Mission, Inc	GA	$169,381
Union Mission, Inc	GA	$171,367
Union Mission, Inc	GA	$218,875
South Georgia Coalition to End Homelessness	GA	$248,500
ALTERNATE LIFE PATHS PROGRAM, INC	GA	$48,571
Jewish Family & Career Services	GA	$158,269
Housing Initiative of North Fulton	GA	$23,632
Georgia Housing and Finance Authority	GA	$285,996
Georgia Housing and Finance Authority	GA	$289,320
St. Jude's Recovery Center, Inc	GA	$278,342
Georgia Housing and Finance Authority	GA	$142,560
Georgia Housing and Finance Authority	GA	$588,000
Gwinnett Housing Resource Partnership, Inc. dba: The IMPACT	GA	$73,448
Macon-Bibb Economic Opportunity Council, Inc	GA	$99,750
Genesis Shelter, Inc	GA	$136,500
City of Savannah	GA	$296,340
Trinity Community Ministries	GA	$108,917
Calvary Refuge, Inc	GA	$203,326
New Horizons Community Service Board	GA	$45,122

Recipient	State	Amount
DeKalb Community Service Board	GA	$387,465
The Center for Family Resources	GA	$450,489
The Center for Family Resources	GA	$194,061
The Center for Family Resources	GA	$96,700
The Center for Family Resources	GA	$85,323
Initiative for Affordable Housing, Inc	GA	$321,418
Mary Hall Freedom House, Inc	GA	$557,830
Macon-Bibb Economic Opportunity Council, Inc	GA	$94,500
Atlanta Enterprise Center, Inc	GA	$60,594
Community Advanced Practice Nurses, Inc	GA	$46,423
Community Advanced Practice Nurses, Inc	GA	$18,517
Community Advanced Practice Nurses, Inc	GA	$39,039
The House of TIME	GA	$349,383
Hope House, Inc	GA	$58,842
CSRA Economic Opportunity Authority, Inc	GA	$122,198
Travelers Aid of Metropolitan Atlanta, Inc	GA	$367,317
Greenbriar Children's Center, Inc	GA	$400,098
Stewart Community Home, Inc	GA	$285,619
Travelers Aid of Metropolitan Atlanta, Inc	GA	$156,541
Nicholas House Inc	GA	$36,141
Zion Hill Community Development Corporation	GA	$466,420
Jerusalem House, Inc	GA	$193,704
Unified Government of Athens-Clarke County	GA	$56,834
Loaves & Fishes Ministry of Macon, Inc	GA	$74,199
Dalton-Whitfield Community Development Corporation	GA	$31,058
Georgia Housing and Finance Authority	GA	$335,772
Mary Hall Freedom House, Inc	GA	$292,265
St. Jude's Recovery Center, Inc	GA	$737,988
City of Albany	GA	$116,217
Unified Government of Athens-Clarke County	GA	$80,000
Augusta, Georgia	GA	$181,027
Fulton County Board of Commissioners	GA	$373,951
Asian American Resource Foundation, Inc	GA	$159,167
Fulton County Board of Commissioners	GA	$686,487
Fulton County Board of Commissioners	GA	$264,210
Rainbow Village, Inc	GA	$226,295
Cobb Community Collaborative, Inc	GA	$30,000
Maranatha Outreach, Inc	GA	$60,178
Gateway Behavioral Health Services	GA	$400,000
Housing Authority of Savannah	GA	$1,097,808
Unified Government of Athens-Clarke County	GA	$105,991
Georgia Coalition Against Domestic Violence	GA	$347,690
Georgia Coalition Against Domestic Violence	GA	$92,476
Chatham-Savannah Authority for the Homeless	GA	$223,661
Chatham-Savannah Authority for the Homeless	GA	$179,256
Anchor Center, Inc	GA	$380,652
Advantage Behavioral Health Systems	GA	$167,095
Travelers Aid of Metropolitan Atlanta, Inc	GA	$56,556
The Extension, Inc	GA	$104,654
Cobb County Community Services Boards	GA	$35,000
Travelers Aid of Metropolitan Atlanta, Inc	GA	$56,378
Action Ministries, Inc	GA	$70,014
Douglas County Continuum of Care Coalition, inc	GA	$137,638
Goodwill Industries of Middle Georgia, Inc	GA	$148,066
Families First, Inc	GA	$172,493
Ministries United for Service and Training	GA	$35,000
Ministries United for Service and Training	GA	$35,280
Ministries United for Service and Training	GA	$70,560
Goodwill Industries of Middle Georgia, Inc	GA	$110,310
Action Ministries, Inc	GA	$486,342
S.H.A.R.E. House, Inc	GA	$128,396
Gwinnett Housing Resource Partnership, Inc. dba: The IMPACT	GA	$188,326
Georgia Housing and Finance Authority	GA	$506,520
Lowndes Associated Ministries to People, Inc	GA	$146,459
Lowndes Associated Ministries to People, Inc	GA	$140,571
Economic Opportunity Authority for Savannah-Chatham County	GA	$220,500
Colquitt County Serenity House Project, Inc	GA	$201,731
Our House, Inc	GA	$47,235
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$28,224
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$313,363
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$46,033
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$60,019
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$173,712
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$125,415

Recipient	State	Amount
Government of Guam/Guam Housing & Urban Renewal Authority	GU	$33,049
Steadfast Housing Development Corporation	HI	$27,874
United States Veterans Initiative, Inc	HI	$341,263
United States Veterans Initiative, Inc	HI	$142,282
The Salvation Army	HI	$289,302
City and County of Honolulu	HI	$384,516
Hawaii Public Housing Authority	HI	$101,160
Steadfast Housing Development Corporation	HI	$36,960
City and County of Honolulu	HI	$1,897,500
Hawaii Public Housing Authority	HI	$184,800
Legal Aid Society of Hawaii	HI	$64,669
Steadfast Housing Development Corporation	HI	$207,198
Gregory House Programs	HI	$363,080
Hale Kipa, inc	HI	$136,680
Hawaii Public Housing Authority	HI	$42,288
Steadfast Housing Development Corporation	HI	$29,653
Hawaii Public Housing Authority	HI	$437,928
City and County of Honolulu	HI	$185,147
Hawaii Public Housing Authority	HI	$77,536
Hawaii Public Housing Authority	HI	$503,304
Steadfast Housing Development Corporation	HI	$33,384
Steadfast Housing Development Corporation	HI	$36,384
Steadfast Housing Development Corporation	HI	$32,924
Steadfast Housing Development Corporation	HI	$31,598
Maui Economic Concerns of the Community, Inc	HI	$91,717
Maui Economic Concerns of the Community, Inc	HI	$46,245
Housing Solutions Incorporated	HI	$55,132
Mental Health Kokua	HI	$876,273
Hawaii Public Housing Authority	HI	$41,160
Hawaii Public Housing Authority	HI	$31,131
City and County of Honolulu	HI	$133,607
Child and Family Service	HI	$84,488
City and County of Honolulu	HI	$426,948
City and County of Honolulu	HI	$388,116
City and County of Honolulu	HI	$520,344
City and County of Honolulu	HI	$500,160
City and County of Honolulu	HI	$285,900
Parents And Children Together	HI	$92,400
The Salvation Army	IA	$148,666
Manasseh House	IA	$78,829
Community Housing Initiatives, Inc	IA	$136,201
Crisis Intervention & Advocacy Center	IA	$158,918
Youth and Shelter Services, Inc	IA	$191,096
City of Des Moines	IA	$805,692
Hillcrest Family Services	IA	$71,538
Crisis Intervention Services	IA	$36,166
City of Sioux City	IA	$113,452
Shelter House Community Shelter and Transition Services	IA	$448,318
Humility of Mary Shelter, Inc	IA	$492,800
Humility of Mary Shelter, Inc	IA	$159,120
Community Housing Initiatives, Inc	IA	$380,865
City of Des Moines	IA	$289,732
YWCA Clinton	IA	$49,232
Youth and Shelter Services, Inc	IA	$129,733
City of Des Moines	IA	$152,713
City of Des Moines	IA	$84,999
City of Des Moines	IA	$110,250
Area Substance Abuse Council, dba. New Directions	IA	$104,223
City of Des Moines	IA	$60,530
City of Des Moines	IA	$198,780
Cedar Valley Friends of the Family	IA	$256,767
City of Des Moines	IA	$227,468
City of Des Moines	IA	$256,109
City of Des Moines	IA	$250,320
City of Des Moines	IA	$250,787
Iowa Institute for Community Alliances	IA	$29,750
Community Action Agency of Siouxland	IA	$137,239
City of Des Moines	IA	$288,266
Iowa Institute for Community Alliances	IA	$252,980
Hawkeye Area Community Action Program, Inc	IA	$26,749
Humility of Mary Shelter, Inc	IA	$220,000
Hawkeye Area Community Action Program, Inc	IA	$213,827
Family Resources, Inc	IA	$39,525
Humility of Mary Housing, Inc	IA	$37,549

Recipient	State	Amount
Center For Siouxland	IA	$128,168
Family Resources, Inc	IA	$38,946
Crittenton Center	IA	$189,167
Project Concern, Inc	IA	$31,570
Opening Doors	IA	$42,221
Center For Siouxland	IA	$80,062
Hawkeye Area Community Action Program, Inc	IA	$466,174
Idaho Housing and Finance Association	ID	$76,054
Idaho Housing and Finance Association	ID	$41,576
Idaho Housing and Finance Association	ID	$66,402
Idaho Housing and Finance Association	ID	$81,539
Idaho Housing and Finance Association	ID	$193,128
Idaho Housing and Finance Association	ID	$70,632
Idaho Housing and Finance Association	ID	$102,930
Idaho Housing and Finance Association	ID	$69,050
Idaho Housing and Finance Association	ID	$44,208
Idaho Housing and Finance Association	ID	$75,967
Idaho Housing and Finance Association	ID	$79,539
Idaho Housing and Finance Association	ID	$107,508
Idaho Housing and Finance Association	ID	$187,929
Idaho Housing and Finance Association	ID	$116,235
Idaho Housing and Finance Association	ID	$24,436
Idaho Housing and Finance Association	ID	$154,350
Idaho Housing and Finance Association	ID	$46,597
Idaho Housing and Finance Association	ID	$116,378
Idaho Housing and Finance Association	ID	$75,277
Boise City Housing Authority	ID	$64,514
Idaho Housing and Finance Association	ID	$75,412
Idaho Housing and Finance Association	ID	$81,735
Idaho Housing and Finance Association	ID	$81,435
Idaho Housing and Finance Association	ID	$49,488
Boise City Housing Authority	ID	$7,696
Boise City Housing Authority	ID	$18,410
Idaho Housing and Finance Association	ID	$30,135
Idaho Housing and Finance Association	ID	$131,250
Idaho Housing and Finance Association	ID	$305,388
Ada County Housing Authority	ID	$102,912
Idaho Housing and Finance Association	ID	$55,840
Ada County Housing Authority	ID	$72,312
Ada County Housing Authority	ID	$541,169
Women's and Children's Alliance	ID	$119,122
Idaho Housing and Finance Association	ID	$49,416
YWCA Peoria IL	IL	$75,668
Northwestern Memorial Hospital	IL	$153,844
YWCA Peoria IL	IL	$214,530
Alliance to End Homelessness in Suburban Cook County	IL	$252,725
YWCA Peoria IL	IL	$92,912
Stopping Woman Abuse Now	IL	$143,656
HOPE of East Central Illinois	IL	$77,552
Renaissance Social Services, Inc	IL	$133,970
Housing Opportunities for Women, Inc	IL	$464,308
Northwestern Memorial Hospital	IL	$301,910
Northwestern Memorial Hospital	IL	$217,518
Western Egyptian Economic Opportunity Council, Inc	IL	$50,878
PADS to HOPE, Inc	IL	$183,665
The Women's Center	IL	$29,308
Good Samaritan House of Granite City, Inc	IL	$154,355
Good Samaritan Ministries—A Project of the Carbondale Interfaith	IL	$74,212
County of Kendall	IL	$70,000
YWCA Peoria IL	IL	$196,215
Connections for Abused Women and their Children	IL	$23,695
Anna Bixby Women's Center	IL	$229,079
WINGS Program, Inc	IL	$43,402
WINGS Program, Inc	IL	$124,554
Mercy Housing Lakefront	IL	$129,785
DuPage County Health Department	IL	$573,994
AIDS Foundation of Chicago	IL	$375,530
Helping Hands of Springfield, Inc	IL	$116,964
Mercy Housing Lakefront	IL	$238,645
Residents for Effective Shelter Transitions	IL	$167,813
WINGS Program, Inc	IL	$89,874
Abundant Faith Ministry	IL	$13,892
WINGS Program, Inc	IL	$84,968
South Suburban PADS	IL	$284,574

Recipient	State	Amount
Residents for Effective Shelter Transitions	IL	$286,520
City of Bloomington	IL	$32,917
M.E.R.C.Y. Communities, Inc	IL	$83,190
M.E.R.C.Y. Communities, Inc	IL	$169,614
MCS Community Services	IL	$101,994
Embarras River Basin Agency, Inc	IL	$252,920
Heartland Human Care Services, Inc	IL	$41,668
Embarras River Basin Agency, Inc	IL	$154,722
Community Mental Health Council, Inc	IL	$128,453
City of Bloomington	IL	$23,082
Abundant Faith Ministry	IL	$20,090
Pioneer Center for Human Services	IL	$105,000
Freedom House	IL	$62,000
Pioneer Center for Human Services	IL	$261,822
Stopping Woman Abuse Now	IL	$53,788
Anna Bixby Women's Center	IL	$77,105
Heartland Health Outreach, Inc	IL	$357,170
Stopping Woman Abuse Now	IL	$71,640
Heartland Human Care Services, Inc	IL	$149,874
WINGS Program, Inc	IL	$44,693
City of Bloomington	IL	$5,217
Pioneer Center for Human Services	IL	$231,548
Chicago Christian Industrial League	IL	$329,711
YMCA of Metropolitan Chicago	IL	$225,546
YMCA of Metropolitan Chicago	IL	$468,552
Interfaith House Inc	IL	$175,086
Interfaith House Inc	IL	$189,633
Catholic Charities of the Archdiocese of Chicago	IL	$258,078
Call For Help	IL	$527,382
YMCA of Metropolitan Chicago	IL	$36,313
Western Illinois Regional Council—Community Action Agency	IL	$55,483
City of Bloomington	IL	$130,914
Pillars Community Services	IL	$24,993
Catholic Charities of the Archdiocese of Chicago	IL	$194,713
Catholic Charities of the Archdiocese of Chicago	IL	$391,507
Bethel New Life, Inc	IL	$212,378
Bethel New Life, Inc	IL	$344,365
Family Rescue Incorporated	IL	$58,165
Family Rescue Incorporated	IL	$571,732
Home of the Sparrow, Inc	IL	$54,600
Apna Ghar, Inc	IL	$123,087
Community Mental Health Council, Inc	IL	$123,736
Catholic Charities of the Archdiocese of Chicago	IL	$89,379
Madison, County of	IL	$308,320
Pillars Community Services	IL	$521,332
Pillars Community Services	IL	$477,060
Connections for the Homeless Inc	IL	$112,560
Pillars Community Services	IL	$31,177
Bethel New Life, Inc	IL	$87,284
Kane County, Illinois	IL	$109,853
B.C.M.W. Community Services Inc	IL	$19,597
AIDS Foundation of Chicago	IL	$4,280,553
Pillars Community Services	IL	$110,000
Chicago Christian Industrial League	IL	$52,447
Housing Options for the Mentally Ill	IL	$83,560
DuPage P.A.D.S., Inc	IL	$123,472
City of Urbana	IL	$196,879
New Moms Inc	IL	$245,039
Fellowship Housing Corporation	IL	$100,120
Catholic Charities of the Archdiocese of Chicago	IL	$130,428
Housing Options for the Mentally Ill	IL	$112,962
Catholic Charities of the Archdiocese of Chicago	IL	$56,700
DuPage P.A.D.S., Inc	IL	$101,061
DuPage P.A.D.S., Inc	IL	$197,960
Catholic Charities of the Archdiocese of Chicago	IL	$140,000
Fifth Street Renaissance	IL	$24,150
Home of the Sparrow, Inc	IL	$27,064
Catholic Charities of the Archdiocese of Chicago	IL	$1,693,872
Fifth Street Renaissance	IL	$34,929
Southern Illinois Coalition for the Homeless	IL	$60,511
Southern Illinois Coalition for the Homeless	IL	$84,702
Catholic Charities of the Archdiocese of Chicago	IL	$107,100
Interdependent Living Solutions Center	IL	$156,964
Housing Options for the Mentally Ill	IL	$120,413

Recipient	State	Amount
Madison, County of	IL	$106,740
Children's Home + Aid	IL	$38,650
Heartland Human Care Services, Inc	IL	$1,162,457
Thresholds Inc	IL	$403,605
The Salvation Army of Kankakee County	IL	$109,927
DuPage County	IL	$151,667
Heartland Human Care Services, Inc	IL	$943,789
Housing Opportunity Development Corporation	IL	$17,750
Bridge Communities, Inc	IL	$111,376
Housing Opportunity Development Corporation	IL	$47,392
DuPage P.A.D.S., Inc	IL	$102,001
Community Mental Health Council, Inc	IL	$97,391
Community Mental Health Council, Inc	IL	$66,007
South Side Office of Concern	IL	$52,977
Thresholds Inc	IL	$403,199
South Side Office of Concern	IL	$14,962
Illinois Valley Economic Development Corporation	IL	$104,044
Thresholds Inc	IL	$351,158
Thresholds Inc	IL	$199,489
Thresholds Inc	IL	$162,687
Thresholds Inc	IL	$243,889
Thresholds Inc	IL	$78,490
Thresholds Inc	IL	$78,490
DuPage County	IL	$35,550
North Side Housing and Supportive Services	IL	$61,271
Iroquois-Kankakee Regional Office of Education #32	IL	$53,550
Heartland Human Care Services, Inc	IL	$254,948
North Side Housing and Supportive Services	IL	$112,120
NCO YOUTH & FAMILY SERVICES	IL	$202,584
DuPage County Health Department	IL	$51,920
St. Leonard's Ministries	IL	$42,525
Ecker Center for Mental Health	IL	$164,930
Ecker Center for Mental Health	IL	$173,302
The Larkin Center	IL	$300,575
Prairie State Legal Services, Inc	IL	$50,000
Prairie State Legal Services, Inc	IL	$68,780
Beacon Therapeutic School, Inc	IL	$983,922
Community Crisis Center	IL	$30,135
Community Mental Health Council, Inc	IL	$73,013
Catholic Charities of the Archdiocese of Chicago	IL	$327,507
Heartland Health Outreach, Inc	IL	$948,721
Heartland Health Outreach, Inc	IL	$484,722
Heartland Health Outreach, Inc	IL	$320,269
Heartland Health Outreach, Inc	IL	$126,332
The Center of Concern	IL	$130,534
Bethel Human Resources Corp	IL	$340,000
Catholic Charities of the Archdiocese of Chicago	IL	$145,520
Heartland Human Care Services, Inc	IL	$441,059
Community Crisis Center	IL	$66,500
Community Counseling Center of Northern Madison County	IL	$281,693
Lake County	IL	$143,424
Connections for the Homeless Inc	IL	$94,535
Brand New Beginnings	IL	$100,406
Lake County	IL	$186,240
Mental Health Center of Champaign County, Inc	IL	$185,543
Mental Health Center of Champaign County, Inc	IL	$43,043
Hull House Association	IL	$378,229
Lake County	IL	$45,507
Lake County	IL	$110,250
Lake County	IL	$24,434
Single Room Housing Assistance Corporation	IL	$488,047
Lake County	IL	$184,940
Public Action to Deliver Shelter, Inc	IL	$64,060
Public Action to Deliver Shelter, Inc	IL	$64,061
Inspiration Corporation	IL	$323,235
Inspiration Corporation	IL	$199,224
Inspiration Corporation	IL	$83,462
FEATHERFIST	IL	$141,395
The Inner Voice, Inc	IL	$362,611
City of Rockford	IL	$195,840
Dove, Inc	IL	$35,747
Mercy Housing Lakefront	IL	$61,950
Dove, Inc	IL	$74,828
Dove, Inc	IL	$16,941

Recipient	State	Amount
Lake County	IL	$21,840
C.E.F.S. Economic Opportunity Corporation	IL	$199,675
Bethel Human Resources Corp	IL	$184,231
WilPower, Inc	IL	$25,519
YMCA of Metropolitan Chicago	IL	$231,259
Hope Haven of DeKalb County, Inc	IL	$95,268
Single Room Housing Assistance Corporation	IL	$365,000
WilPower, Inc	IL	$252,077
Community and Economic Development Assn of Cook County Inc	IL	$265,875
Sarah's Circle	IL	$66,463
Cornerstone Services, Inc	IL	$25,476
Cornerstone Services, Inc	IL	$115,071
FEATHERFIST	IL	$300,843
Mercy Housing Lakefront	IL	$187,833
C.E.F.S. Economic Opportunity Corporation	IL	$136,670
Chicago House and Social Service Agency	IL	$40,639
Lake County	IL	$95,648
Lake County	IL	$42,290
Lake County	IL	$58,184
Lake County	IL	$82,766
Deborah's Place	IL	$188,064
Your Family Resource Connection	IL	$137,743
Deborah's Place	IL	$150,144
Deborah's Place	IL	$417,076
Deborah's Place	IL	$330,293
Lake County	IL	$137,331
Dove, Inc	IL	$156,326
Cornerstone Services, Inc	IL	$1,702,441
New Phoenix Assistance Center	IL	$316,829
Dove, Inc	IL	$17,103
City of Rockford	IL	$250,566
The Inner Voice, Inc	IL	$331,601
St. Clair County	IL	$164,076
St. Clair County	IL	$275,700
St. Clair County	IL	$169,439
Mercy Housing Lakefront	IL	$125,546
St. Clair County	IL	$50,000
The Inner Voice, Inc	IL	$76,484
The Inner Voice, Inc	IL	$196,062
New Phoenix Assistance Center	IL	$237,290
CDBG Operations Corporation	IL	$96,687
The Housing Authority of the County of DeKalb	IL	$386,796
CDBG Operations Corporation	IL	$344,907
I–PLUS	IL	$12,805
McDermott Center	IL	$58,026
CEDA Bloom-Rich	IL	$231,678
Community Supportive Living Systems, Inc	IL	$201,120
Heartland Health Outreach, Inc	IL	$270,101
FEATHERFIST	IL	$129,817
AIDSCARE, INC	IL	$366,108
Youth Service Bureau	IL	$91,899
Latin United Community Housing Association	IL	$32,130
Together We Cope	IL	$190,517
Together We Cope	IL	$124,837
South Suburban Family Shelter Inc	IL	$281,957
City of Rockford	IL	$117,504
WilPower, Inc	IL	$205,205
Freeport Area Church Cooperative	IL	$57,109
Inspiration Corporation	IL	$111,182
PADS Crisis Services, Inc	IL	$226,376
Hoyleton Youth and Family Services	IL	$41,362
Healthcare Alternative Systems, Inc	IL	$197,711
The Renaissance Collaborative, Inc	IL	$166,006
Ministers United Against Human Suffering	IL	$50,000
City of Rockford	IL	$195,840
City of Rockford	IL	$156,672
Goodwill Industries of Central Illinois, Inc	IL	$167,696
CDBG Operations Corporation	IL	$172,973
Bethany Place	IL	$48,641
Dove, Inc	IL	$329,047
New Phoenix Assistance Center	IL	$270,536
Human Resources Development Institute, Inc. (HRDI)	IL	$427,768
La Casa Norte	IL	$90,982
City of Rockford	IL	$33,764

Recipient	State	Amount
The Center for Women in Transition	IL	$8,963
City of Rockford	IL	$148,127
City of Rockford	IL	$93,079
City of Rockford	IL	$39,947
City of Rockford	IL	$102,993
Unity Parenting & Counseling Inc	IL	$420,453
City of Rockford	IL	$164,108
Bethany Place	IL	$51,955
YWCA Evanston/North Shore	IL	$71,526
Lazarus House	IL	$54,331
Lazarus House	IL	$32,417
Casa Central Social Services Corporation	IL	$434,437
City of Chicago, Department of Human Services	IL	$267,888
Interfaith Council for the Homeless	IL	$286,841
Vital Bridges NFP, Inc	IL	$169,845
Chestnut Health Systems, Inc	IL	$269,203
Chicago Low-Income Housing Trust Fund	IL	$661,995
Chicago Low-Income Housing Trust Fund	IL	$2,176,529
Chicago Low-Income Housing Trust Fund	IL	$835,105
Cornerstone Community Outreach	IL	$79,017
Chestnut Health Systems	IL	$133,052
Casa Central Social Services Corporation	IL	$383,904
The Women's Center	IL	$21,300
Connections for the Homeless Inc	IL	$187,847
Connections for the Homeless Inc	IL	$117,197
Connections for the Homeless Inc	IL	$43,682
The Cathedral Shelter of Chicago	IL	$35,332
The Cathedral Shelter of Chicago	IL	$53,122
Hope Haven of DeKalb County, Inc	IL	$98,374
City of Chicago, Department of Human Services	IL	$210,960
Catholic Charities, Diocese of Joliet	IL	$842,965
Cornerstone Community Outreach	IL	$132,224
Trinity Services, Inc	IL	$253,317
CEDA Northwest Self-Help Center, Inc	IL	$144,873
AIDS Foundation of Chicago	IL	$263,600
AIDS Foundation of Chicago	IL	$355,866
Christian Family Ministries	IL	$33,250
City of Chicago, Department of Human Services	IL	$1,079,580
Chestnut Health Systems, Inc	IL	$283,300
Decatur Housing Authority	IL	$123,912
Chestnut Health Systems, Inc	IL	$575,674
City of Chicago, Department of Human Services	IL	$684,156
City of Chicago, Department of Human Services	IL	$44,172
City of Chicago, Department of Human Services	IL	$410,244
Housing Authority of the County of Cook	IL	$426,408
CEDA Northwest Self-Help Center, Inc	IL	$162,947
Housing Authority of the County of Cook	IL	$152,712
YWCA of Quincy	IL	$138,031
Teen Living Programs, Inc	IL	$189,334
World Relief DuPage	IL	$131,888
YWCA of Quincy	IL	$331,349
City of Bloomington	IL	$22,440
The Interfaith Housing Development Corporation of Chicago	IL	$77,301
City of Bloomington	IL	$139,046
City of Bloomington	IL	$19,367
Decatur Housing Authority	IL	$42,576
YMCA of Metropolitan Chicago	IL	$59,645
Champaign County Regional Planning Commission	IL	$324,072
Peoria Housing Authority	IL	$167,040
City of Chicago, Department of Human Services	IL	$281,160
City of Chicago, Department of Human Services	IL	$46,860
Human Service Center	IL	$131,597
City of Chicago, Department of Human Services	IL	$44,172
City of Chicago, Department of Human Services	IL	$620,268
Transitional Living Services	IL	$47,245
City of Chicago, Department of Human Services	IL	$615,840
City of Chicago, Department of Human Services	IL	$111,240
City of Chicago, Department of Human Services	IL	$468,288
Project NOW, Inc	IL	$119,445
City of Chicago, Department of Human Services	IL	$281,160
FEATHERFIST	IL	$517,459
City of Chicago, Department of Human Services	IL	$281,160
City of Chicago, Department of Human Services	IL	$140,580
Public Action to Deliver Shelter, Inc	IL	$234,302

Recipient	State	Amount
City of Chicago, Department of Human Services	IL	$328,020
Mercy Housing Lakefront	IL	$259,631
City of Chicago, Department of Human Services	IL	$421,920
Single Room Housing Assistance Corporation	IL	$421,988
FEATHERFIST	IL	$259,219
Delta Center, Inc	IL	$19,338
Catholic Charities, Diocese of Joliet	IL	$754,500
Catholic Charities, Diocese of Joliet	IL	$122,586
Catholic Charities, Diocese of Joliet	IL	$84,342
Catholic Charities, Diocese of Joliet	IL	$417,484
City of Chicago, Department of Human Services	IL	$528,504
City of Chicago, Department of Human Services	IL	$344,016
The Night Ministry	IL	$144,391
The Night Ministry	IL	$74,260
Connections for the Homeless Inc	IL	$106,975
Project NOW, Inc	IL	$58,713
City of Chicago, Department of Human Services	IL	$271,836
The Center for Prevention of Abuse	IL	$172,759
City of Chicago, Department of Human Services	IL	$257,676
City of Chicago, Department of Human Services	IL	$762,156
Massac County Mental Health & Family Counseling Center, Inc	IL	$173,387
Pioneer Civic Services, Inc	IL	$114,126
Matthew House	IL	$123,866
Project NOW, Inc	IL	$127,943
Unity Parenting & Counseling Inc	IL	$497,620
City of Chicago, Department of Human Services	IL	$172,764
City of Chicago, Department of Human Services	IL	$318,498
City of Chicago, Department of Human Services	IL	$375,480
City of Chicago, Department of Human Services	IL	$414,072
FEATHERFIST	IL	$264,173
City of Chicago, Department of Human Services	IL	$678,780
FEATHERFIST	IL	$112,483
City of Chicago, Department of Human Services	IL	$278,616
City of Chicago, Department of Human Services	IL	$358,212
City of Chicago, Department of Human Services	IL	$301,440
The YWCA of St. Joseph County	IN	$55,130
The YWCA of St. Joseph County	IN	$65,000
Alternatives Incorporated of Madison County	IN	$102,317
Pathfinder Services, Inc	IN	$144,478
Vincent Village, Inc	IN	$52,944
Centerstone of Indiana Inc. formerly SCCMHC	IN	$37,968
Life Treatment Centers	IN	$70,360
Mental Health Association in Vigo County	IN	$69,475
Fort Wayne Women's Bureau, inc	IN	$89,775
Vincent Village, Inc	IN	$48,451
Indiana Housing and Community Development Authority	IN	$290,280
City of Indianapolis	IN	$366,480
The Center for the Homeless	IN	$77,778
Lafayette Transitional Housing Center, Inc	IN	$73,893
Lafayette Transitional Housing Center, Inc	IN	$104,186
The Center for Women and Families	IN	$223,144
City of Indianapolis	IN	$75,240
LifeSpring, Inc	IN	$240,193
City of Indianapolis	IN	$347,693
City of Indianapolis	IN	$85,145
St. Elizabeth Catholic Charities	IN	$187,231
The Center for the Homeless	IN	$33,272
The Center for the Homeless	IN	$135,662
City of Indianapolis	IN	$489,060
City of Indianapolis	IN	$934,200
Edgewater Systems for Balanced Living	IN	$119,023
Cedars HOPE, Inc	IN	$35,700
Madison Center, Inc	IN	$112,033
Indiana Housing and Community Development Authority	IN	$179,760
Indiana Housing and Community Development Authority	IN	$497,460
Indiana Housing and Community Development Authority	IN	$118,800
Indiana Housing and Community Development Authority	IN	$98,304
Indiana Housing and Community Development Authority	IN	$109,728
Lafayette Transitional Housing Center, Inc	IN	$75,337
City of Indianapolis	IN	$268,380
Housing Opportunities, Inc	IN	$49,450
City of Evansville, Indiana	IN	$86,865
City of Evansville, Indiana	IN	$60,424
City of Indianapolis	IN	$200,922

Recipient	State	Amount
City of Indianapolis	IN	$145,728
City of Evansville, Indiana	IN	$97,001
City of Evansville, Indiana	IN	$75,320
City of Evansville, Indiana	IN	$191,835
City of Indianapolis	IN	$69,336
City of Indianapolis	IN	$75,240
Stepping Stones, Inc	IN	$78,748
AIDS Ministries/AIDS Assist of North Indiana, Inc	IN	$102,396
The Center for the Homeless	IN	$193,173
Community Mental Health Center, Inc	IN	$156,767
The Center for the Homeless	IN	$26,250
The Center for the Homeless	IN	$89,946
The Stepping Stone Shelter For Women, Incorporated	IN	$183,457
City of Indianapolis	IN	$301,720
City of Indianapolis	IN	$316,008
City of Indianapolis	IN	$160,200
Housing Opportunities, Inc	IN	$82,601
Housing Opportunities, Inc	IN	$84,484
Indiana Housing and Community Development Authority	IN	$67,920
City of Indianapolis	IN	$376,200
Family Services of Elkhart County, Inc	IN	$46,856
Open Door Community Services, Inc	IN	$116,420
Middle Way House, Incorporated	IN	$171,093
Blue River Services, Inc	IN	$44,778
Evansville Goodwill Industries, Inc	IN	$220,133
A Better Way Services, Inc	IN	$149,617
Human Services, Inc	IN	$108,148
Human Services, Inc	IN	$36,588
Interfaith Mission, Inc	IN	$45,500
City of South Bend	IN	$42,336
The Salvation Army	IN	$160,323
Kosciusko County Shelter for Abuse d/b/a The Beaman Home	IN	$37,556
Council on Domestic Abuse, Inc	IN	$87,743
Madison Center, Inc	IN	$57,148
Bridges Community Services, Inc	IN	$171,652
Hope House, Inc	IN	$64,890
City of South Bend	IN	$126,156
Genesis Outreach, Inc	IN	$42,000
LifeSpring, Inc	IN	$51,135
Family Services of Elkhart County, Inc	IN	$44,764
Amethyst House, Inc	IN	$87,054
Indiana Coalition on Housing and Homeless Issues (ICHHI)	IN	$364,000
City of Bloomington, Indiana	IN	$57,048
Hope House, Inc	IN	$133,678
AIDS Ministries/AIDS Assist of North Indiana, Inc	IN	$35,558
Open Door Community Services, Inc	IN	$102,136
Community Action, Inc	KS	$343,101
United Methodist Open Door, Inc	KS	$56,238
Lawrence-Douglas County Housing Authority	KS	$89,167
United Methodist Open Door, Inc	KS	$81,559
Cowley County Safe Homes, Inc	KS	$134,398
County of Sedgwick	KS	$41,946
New Beginnings, Inc	KS	$125,716
City of Topeka, KS	KS	$1,320,144
United Way of the Plains	KS	$86,664
SAFEHOME, Inc	KS	$57,568
USD 500 Kansas City Kansas Public Schools	KS	$22,660
United Way of the Plains	KS	$148,495
County of Sedgwick	KS	$279,523
Unified Government of Wyandotte County/KCK	KS	$89,945
Community Resources Council	KS	$87,200
Unified Government of Wyandotte County/KCK	KS	$461,740
Unified Government of Wyandotte County/KCK	KS	$55,235
Unified Government of Wyandotte County/KCK	KS	$29,566
Catholic Charities of Northeast Kansas, Inc	KS	$78,300
The Salvation Army	KS	$61,461
City of Wichita Housing Authority	KS	$692,868
Johnson County Mental Health Center	KS	$39,180
Johnson County Mental Health Center	KS	$124,020
Kansas Housing Resources Corporation	KS	$133,000
The Salvation Army	KS	$61,866
The Salvation Army	KS	$131,176
Mid America Assistance Coalition	KS	$18,666
The Salvation Army	KS	$333,333

Recipient	State	Amount
Wichita Children's Home	KS	$102,566
Kansas Legal Services	KS	$190,608
Inter-Faith Ministries Wichita, Inc	KS	$56,420
Plumb Place Inc	KS	$80,008
My Father's House Community Services, Inc	KS	$215,670
Wyandot Center for Community Behavioral Healthcare	KS	$127,104
CLASS LTD	KS	$179,016
Inter-Faith Ministries Wichita, Inc	KS	$43,050
Housing and Credit Counseling, Inc	KS	$64,575
The Salvation Army	KS	$48,877
Louisville/Jefferson County Metro Government	KY	$31,248
Louisville/Jefferson County Metro Government	KY	$31,248
Transitions, Inc	KY	$ 8,768
Transitions, Inc	KY	$236,770
New Beginnings, Bluegrass, Inc	KY	$53,492
Transitions, Inc	KY	$79,363
Louisville/Jefferson County Metro Government	KY	$1,140,156
The Healing Place, Inc	KY	$305,421
Family Health Centers, Inc	KY	$255,146
Louisville/Jefferson County Metro Government	KY	$115,516
The Center for Women and Families	KY	$49,875
Chrysalis House, Inc	KY	$219,154
Louisville/Jefferson County Metro Government	KY	$217,008
Louisville/Jefferson County Metro Government	KY	$66,012
The Center for Women and Families	KY	$67,163
Louisville/Jefferson County Metro Government	KY	$27,504
Louisville/Jefferson County Metro Government	KY	$38,249
Louisville/Jefferson County Metro Government	KY	$44,640
Chrysalis House, Inc	KY	$85,595
Coalition for the Homeless, Inc	KY	$122,311
Louisville/Jefferson County Metro Government	KY	$81,600
Father Maloney's Boys' Haven	KY	$169,846
Louisville/Jefferson County Metro Government	KY	$236,712
Transitions, Inc	KY	$162,503
Kentucky Housing Corporation	KY	$168,191
Transitions, Inc	KY	$82,545
Kentucky Housing Corporation	KY	$189,262
Kentucky Housing Corporation	KY	$126,055
Kentucky Housing Corporation	KY	$85,303
Welcome House of Northern Kentucky, Inc	KY	$469,348
Kentucky Housing Corporation	KY	$3,765
Schizophrenia Foundation, KY	KY	$28,054
Kentucky Housing Corporation	KY	$113,724
Schizophrenia Foundation, KY	KY	$21,000
Kentucky Housing Corporation	KY	$105,184
Kentucky Housing Corporation	KY	$80,646
Kentucky Housing Corporation	KY	$50,341
Kentucky Housing Corporation	KY	$161,946
Wayside Christian Mission	KY	$103,369
Kentucky Housing Corporation	KY	$88,664
Kentucky Housing Corporation	KY	$171,039
Volunteers of America of Kentucky, Inc	KY	$246,682
Independent Living Options, Inc	KY	$128,999
The Salvation Army, a Georgia Corporation	KY	$119,999
House of Ruth, Inc	KY	$137,694
Home of the Innocents	KY	$88,844
Daniel Pitino Shelter, Inc	KY	$266,039
Bluegrass Regional Mental Health-Mental Retardation Board, Inc	KY	$167,268
Schizophrenia Foundation, KY	KY	$211,649
Bellewood Presbyterian Home for Children	KY	$143,478
Kentucky Housing Corporation	KY	$190,000
Volunteers of America of Kentucky, Inc	KY	$371,612
Volunteers of America of Kentucky, Inc	KY	$164,045
Lexington-Fayette Urban County Housing Authority	KY	$201,432
Community Action Council for Lexington-Fayette, Bourbon, Har	KY	$65,129
Choices, Inc	KY	$35,196
Choices, Inc	KY	$35,301
Owensboro Area Shelter, Information & Services, Inc	KY	$515,225
Kentucky Housing Corporation	KY	$63,580
Kentucky Housing Corporation	KY	$78,641
Kentucky Housing Corporation	KY	$194,216
Kentucky Housing Corporation	KY	$225,438
Kentucky Housing Corporation	KY	$277,614
Kentucky Housing Corporation	KY	$35,694

Recipient	State	Amount
Kentucky Housing Corporation	KY	$77,312
Kentucky Housing Corporation	KY	$166,788
Kentucky Housing Corporation	KY	$278,767
Kentucky Housing Corporation	KY	$455,593
Kentucky Housing Corporation	KY	$555,406
Kentucky Housing Corporation	KY	$372,154
Kentucky Housing Corporation	KY	$479,860
Jefferson Street Baptist Center	KY	$75,316
Hope Center, Inc	KY	$166,667
Hope Center, Inc	KY	$269,334
Seven Counties Services, Inc	KY	$93,060
Kentucky Housing Corporation	KY	$200,108
Kentucky Housing Corporation	KY	$196,860
Kentucky Housing Corporation	KY	$24,192
Kentucky Housing Corporation	KY	$333,323
Kentucky Housing Corporation	KY	$90,469
Kentucky Housing Corporation	KY	$278,472
Kentucky Housing Corporation	KY	$267,600
Kentucky Housing Corporation	KY	$76,667
Kentucky Housing Corporation	KY	$171,615
Kentucky Housing Corporation	KY	$10,414
Kentucky Housing Corporation	KY	$222,440
Wayside Christian Mission	KY	$81,902
Kentucky Housing Corporation	KY	$50,392
Society of St. Vincent de Paul	KY	$175,000
Society of St. Vincent de Paul	KY	$137,938
Kentucky Housing Corporation	KY	$93,688
UNITY of Greater New Orleans	LA	$490,057
ASSIST Agency	LA	$97,520
Providence House	LA	$161,481
Metropolitan Center for Women and Children, Inc	LA	$113,344
Providence House	LA	$91,536
City of Baton Rouge & Parish of East Baton Rouge	LA	$144,868
Gulf Coast Teaching Family Services, Inc	LA	$199,932
START Corporation	LA	$113,748
START Corporation	LA	$229,587
Shreveport SRO, Inc. dba Centerpoint Community Services	LA	$62,133
Metropolitan Human Services District	LA	$1,250,052
NAMI New Orleans	LA	$157,093
Catholic Charities Archdioceses of New Orleans	LA	$126,524
Catholic Charities Archdioceses of New Orleans	LA	$101,734
Catholic Charities Archdioceses of New Orleans	LA	$93,595
UNITY of Greater New Orleans	LA	$489,656
Bridge House Corporation	LA	$197,189
Gulf Coast Teaching Family Services, Inc	LA	$173,216
Central Louisiana Coalition to Prevent Homelessness	LA	$58,245
UNITY of Greater New Orleans	LA	$166,902
UNITY of Greater New Orleans	LA	$906,748
UNITY of Greater New Orleans	LA	$61,490
UNITY of Greater New Orleans	LA	$162,469
UNITY of Greater New Orleans	LA	$479,078
UNITY of Greater New Orleans	LA	$570,084
UNITY of Greater New Orleans	LA	$208,645
UNITY of Greater New Orleans	LA	$128,907
UNITY of Greater New Orleans	LA	$380,884
Jefferson Parish Department of Community Development	LA	$381,216
Volunteers Of America North LA	LA	$145,268
Holy Cross Episcopal Church	LA	$33,944
The Wellspring Alliance for Families, Inc	LA	$72,859
The Wellspring Alliance for Families, Inc	LA	$160,032
The Wellspring Alliance for Families, Inc	LA	$261,096
Council on Alcoholism & Drug Abuse of Northwest Louisiana	LA	$252,159
Jefferson Parish Human Services Authority	LA	$281,336
Responsibility House, Inc	LA	$208,528
Responsibility House, Inc	LA	$136,221
Philadelphia Center	LA	$176,400
State of Louisiana	LA	$96,206
Gulf Coast Teaching Family Services, Inc	LA	$100,153
Volunteers Of America North LA	LA	$102,864
Gulf Coast Teaching Family Services, Inc	LA	$135,981
Volunteers Of America North LA	LA	$197,400
Volunteers Of America North LA	LA	$324,101
Housing Authority of the City of Bossier City, Louisiana	LA	$361,920
Housing Authority of the City of Bossier City, Louisiana	LA	$220,800

Recipient	State	Amount
Community Support Programs, Inc	LA	$301,902
Community Support Programs, Inc	LA	$263,208
City of New Orleans—Office of Recovery and Development	LA	$636,792
START Corporation	LA	$166,284
START Corporation	LA	$163,536
UNITY of Greater New Orleans	LA	$339,530
YWCA of Northwest Louisiana, Inc	LA	$93,689
City of Baton Rouge & Parish of East Baton Rouge	LA	$197,204
Inner City Revitalization Corp	LA	$33,333
Volunteers of America—Greater Baton Rouge	LA	$122,794
Gulf Coast Teaching Family Services	LA	$135,657
Housing Authority of the City of Sulphur	LA	$140,976
St. Mary Community Action Committee Association, Inc	LA	$64,496
St. Mary Community Action Committee Association, Inc	LA	$73,420
Southeast Spouse Abuse Program	LA	$147,993
Southeast Spouse Abuse Program	LA	$87,978
Elisha Ministries DBA Supportive Housing of Northeast LA	LA	$102,695
UNITY of Greater New Orleans	LA	$109,842
City of Baton Rouge & Parish of East Baton Rouge	LA	$85,599
Volunteers of America North Louisiana	LA	$78,720
City of Baton Rouge & Parish of East Baton Rouge	LA	$83,727
Faith House, Inc	LA	$67,998
City of Baton Rouge & Parish of East Baton Rouge	LA	$46,292
City of Baton Rouge & Parish of East Baton Rouge	LA	$39,900
City of Baton Rouge & Parish of East Baton Rouge	LA	$177,563
City of Baton Rouge & Parish of East Baton Rouge	LA	$93,164
City of Baton Rouge & Parish of East Baton Rouge	LA	$97,334
City of Baton Rouge & Parish of East Baton Rouge	LA	$63,418
City of Baton Rouge & Parish of East Baton Rouge	LA	$88,673
City of Baton Rouge & Parish of East Baton Rouge	LA	$63,661
Elisha Ministries DBA Supportive Housing of Northeast LA	LA	$85,123
UNITY of Greater New Orleans	LA	$173,250
UNITY of Greater New Orleans	LA	$502,142
UNITY of Greater New Orleans	LA	$203,776
UNITY of Greater New Orleans	LA	$99,238
UNITY of Greater New Orleans	LA	$121,819
UNITY of Greater New Orleans	LA	$134,683
UNITY of Greater New Orleans	LA	$217,498
UNITY of Greater New Orleans	LA	$160,537
UNITY of Greater New Orleans	LA	$83,430
UNITY of Greater New Orleans	LA	$187,097
UNITY of Greater New Orleans	LA	$672,522
Vernon Community Action Council, Inc	LA	$70,092
UNITY of Greater New Orleans	LA	$244,276
Volunteers of America North Louisiana	LA	$208,278
UNITY of Greater New Orleans	LA	$2,000,000
UNITY of Greater New Orleans	LA	$1,127,237
The Church United for Community Development	LA	$105,306
Capital Area Alliance for the Homeless	LA	$262,821
Capital Area Alliance for the Homeless	LA	$431,216
Covenant House New Orleans	LA	$79,735
Covenant House New Orleans	LA	$144,622
Hope House of Central Louisiana	LA	$129,084
Volunteers of America North Louisiana	LA	$63,521
LAEHCY	LA	$62,092
UNITY of Greater New Orleans	LA	$312,105
Acadiana C.A.R.E.S., Inc	LA	$59,583
Shreveport SRO, Inc. dba Centerpoint Community Services	LA	$125,200
St. Tammany Parish Government	LA	$94,405
Community Directions, Inc	LA	$66,940
Community Directions, Inc	LA	$72,905
Volunteers of America of Greater New Orleans, Inc	LA	$321,948
St. Francis Foundation, Inc	LA	$21,000
Monroe Area Guidance Center	LA	$80,209
Rays of Sonshine	LA	$149,737
Volunteers of America, Greater Baton Rouge, Inc	LA	$176,613
Acadiana C.A.R.E.S., Inc	LA	$233,216
Caddo Parish School Board	LA	$85,073
Iberia Homeless Shelter Inc	LA	$33,040
Acadiana C.A.R.E.S., Inc	LA	$146,178
Volunteers of America of Greater New Orleans, Inc	LA	$538,656
Southeastern Louisiana University	LA	$148,109
Lafayette Catholic Service Centers, Inc	LA	$35,401
Volunteers of America of Greater New Orleans, Inc	LA	$111,884

Recipient	State	Amount
Volunteers of America of Greater New Orleans, Inc	LA	$44,343
Volunteers of America of Greater New Orleans, Inc	LA	$481,497
Volunteers of America of Greater New Orleans, Inc	LA	$50,000
Southwestern Louisiana Homeless Coalition, Inc	LA	$53,712
Volunteers of America of Greater New Orleans, Inc	LA	$161,320
Southwestern Louisiana Homeless Coalition, Inc	LA	$25,352
Volunteers of America, Greater Baton Rouge, Inc	LA	$59,861
Lafayette Catholic Service Centers, Inc	LA	$100,533
Lafayette Catholic Service Centers, Inc	LA	$166,213
Lafayette Catholic Service Centers, Inc	LA	$114,499
Lafayette Catholic Service Centers, Inc	LA	$35,087
Lafayette Catholic Service Centers, Inc	LA	$30,975
Lafayette Catholic Service Centers, Inc	LA	$56,000
Southwestern Louisiana Homeless Coalition, Inc	LA	$57,220
Acadiana Outreach Center, Inc	LA	$136,941
Volunteers of America of Greater New Orleans, Inc	LA	$196,288
St. Martin, Iberia, Lafayette Community Action Agency SMILE	LA	$31,911
Women Outreaching Women	LA	$43,327
Southeast Louisiana State hospital	LA	$163,257
Women Outreaching Women	LA	$43,864
Hammond Housing Authority	LA	$180,870
Southeast Louisiana State hospital	LA	$68,431
Southeast Louisiana State hospital	LA	$166,497
Our House, Inc	LA	$57,447
Acadiana Outreach Center, Inc	LA	$129,868
Acadiana Outreach Center, Inc	LA	$49,290
Southeast Louisiana State hospital	LA	$80,134
Volunteer Center Southwest Louisiana Inc	LA	$116,483
City of Northampton	MA	$22,313
Commonwealth of Massachusetts	MA	$49,392
City of Northampton	MA	$106,022
Commonwealth of Massachusetts	MA	$199,238
Commonwealth of Massachusetts	MA	$486,803
Commonwealth of Massachusetts	MA	$948,456
North Shore Community Action Programs, Inc	MA	$142,311
City of Northampton	MA	$80,351
City of Northampton	MA	$104,994
Commonwealth of Massachusetts	MA	$132,657
City of Northampton	MA	$94,500
Commonwealth of Massachusetts	MA	$148,380
City of Northampton	MA	$244,517
Commonwealth of Massachusetts	MA	$206,280
The Psychological Center, Inc	MA	$138,734
YWCA of Greater Lawrence, Inc	MA	$187,950
Father Bills & MainSpring, Inc	MA	$41,346
Father Bills & MainSpring, Inc	MA	$189,807
Father Bills & MainSpring, Inc	MA	$237,078
Father Bills & MainSpring, Inc	MA	$87,167
City of Boston Acting by and through its PFC by DND	MA	$307,434
Housing Families Inc	MA	$132,822
Pine Street Inn, Inc	MA	$28,000
Commonwealth of Massachusetts	MA	$234,726
Shelter Inc	MA	$70,240
Commonwealth of Massachusetts	MA	$288,384
Commonwealth of Massachusetts	MA	$441,336
Commonwealth of Massachusetts	MA	$677,808
Commonwealth of Massachusetts	MA	$668,185
Shelter Inc	MA	$135,584
Commonwealth of Massachusetts	MA	$31,500
Shelter Inc	MA	$489,488
City of Boston Acting by and through its PFC by DND	MA	$1,022,804
Shelter Inc	MA	$138,799
Commonwealth of Massachusetts	MA	$195,236
Commonwealth of Massachusetts	MA	$577,632
Commonwealth of Massachusetts	MA	$199,152
Malden Housing Authority	MA	$137,520
Commonwealth of Massachusetts	MA	$210,000
Shelter Inc	MA	$216,409
Commonwealth of Massachusetts	MA	$82,560
City of Boston Acting by and through its PFC by DND	MA	$311,311
Commonwealth of Massachusetts	MA	$826,248
Commonwealth of Massachusetts	MA	$142,296
North Shore Community Action Programs, Inc	MA	$31,448
City of Northampton	MA	$100,527

Recipient	State	Amount
Commonwealth of Massachusetts	MA	$509,284
City of Boston Acting by and through its PFC by DND	MA	$184,680
City of Northampton	MA	$68,080
City of Boston Acting by and through its PFC by DND	MA	$176,010
Commonwealth of Massachusetts	MA	$258,788
Transition House (Family Development Program)	MA	$14,073
Commonwealth of Massachusetts	MA	$754,605
Commonwealth of Massachusetts	MA	$298,836
Somerville Housing Authority	MA	$128,292
City of Northampton	MA	$42,018
City of Northampton	MA	$55,493
City of Quincy, MA	MA	$80,390
Emmaus Inc	MA	$102,100
City of Quincy, MA	MA	$102,690
City of Boston Acting by and through its PFC by DND	MA	$55,777
City of Boston Acting by and through its PFC by DND	MA	$206,315
City of Boston Acting by and through its PFC by DND	MA	$221,669
City of Quincy, MA	MA	$192,528
City of Quincy, MA	MA	$302,544
City of Lawrence	MA	$14,962
City of Quincy, MA	MA	$137,520
City of Boston Acting by and through its PFC by DND	MA	$188,161
City of Quincy, MA	MA	$294,168
City of Boston Acting by and through its PFC by DND	MA	$203,919
Somerville Community Corporation	MA	$146,786
City of Boston Acting by and through its PFC by DND	MA	$435,278
City of Boston Acting by and through its PFC by DND	MA	$295,645
City of Boston Acting by and through its PFC by DND	MA	$158,632
City of Quincy, MA	MA	$178,776
City of Boston Acting by and through its PFC by DND	MA	$310,701
City of Fall River	MA	$72,550
City of Boston Acting by and through its PFC by DND	MA	$762,552
City of Boston Acting by and through its PFC by DND	MA	$380,856
City of Boston Acting by and through its PFC by DND	MA	$42,408
City of Boston Acting by and through its PFC by DND	MA	$1,719,264
City of Boston Acting by and through its PFC by DND	MA	$223,164
City of Boston Acting by and through its PFC by DND	MA	$227,724
City of Boston Acting by and through its PFC by DND	MA	$312,360
Emmaus Inc	MA	$67,542
City of Fall River	MA	$103,240
City of Boston Acting by and through its PFC by DND	MA	$230,831
City of Fall River	MA	$428,496
City of Fall River	MA	$37,800
City of Fall River	MA	$347,785
City of Haverhill	MA	$108,000
City of Haverhill	MA	$250,725
City of Boston Acting by and through its PFC by DND	MA	$289,305
Family Continuity Program (FCP, Inc.)	MA	$22,198
City of Boston Acting by and through its PFC by DND	MA	$56,889
City of Fall River	MA	$153,552
City of Quincy, MA	MA	$102,337
South Middlesex Opportunity Council	MA	$116,150
City of Quincy, MA	MA	$197,304
City of Quincy, MA	MA	$69,548
City of Boston Acting by and through its PFC by DND	MA	$199,892
The Second Step, Inc	MA	$63,344
City of Quincy, MA	MA	$311,424
City of Boston Acting by and through its PFC by DND	MA	$1,082,575
City of Boston Acting by and through its PFC by DND	MA	$121,801
City of Boston Acting by and through its PFC by DND	MA	$1,382,236
Lynn Housing Authority & Neighborhood Development	MA	$283,250
City of Boston Acting by and through its PFC by DND	MA	$341,074
City of Quincy, MA	MA	$86,509
Community Healthlink, Inc	MA	$366,405
City of Quincy, MA	MA	$99,791
Brookline Community Mental Health Center	MA	$121,098
Wayside Youth & Family Support Network	MA	$235,821
Residential Care Consortium, Inc	MA	$167,241
City of Boston Acting by and through its PFC by DND	MA	$310,453
Lynn Housing Authority & Neighborhood Development	MA	$29,383
Catholic Charitable Bureau of the Archdiocese of Boston, Inc	MA	$50,972
City of Lawrence	MA	$12,416
City of Lawrence	MA	$20,895
City of Quincy, MA	MA	$205,253

Recipient	State	Amount
City of Quincy, MA	MA	$219,932
South Coastal Counties Legal Services, Inc	MA	$24,937
City of Boston Acting by and through its PFC by DND	MA	$411,215
Veterans Northeast Outreach Center, Inc	MA	$135,487
City of Quincy, MA	MA	$246,885
Lynn Housing Authority & Neighborhood Development	MA	$239,507
Lynn Housing Authority & Neighborhood Development	MA	$26,012
Lynn Housing Authority & Neighborhood Development	MA	$89,493
Lynn Housing Authority & Neighborhood Development	MA	$257,544
Lynn Housing Authority & Neighborhood Development	MA	$44,887
Lynn Housing Authority & Neighborhood Development	MA	$705,900
Lynn Housing Authority & Neighborhood Development	MA	$41,300
Lynn Housing Authority & Neighborhood Development	MA	$12,561
City of Boston Acting by and through its PFC by DND	MA	$1,896,587
South Middlesex Opportunity Council	MA	$79,128
City of Cambridge, Massachusetts	MA	$32,497
Central Massachusetts Housing Alliance, Inc	MA	$655,822
City of Cambridge, Massachusetts	MA	$137,815
City of Cambridge, Massachusetts	MA	$32,640
City of Cambridge, Massachusetts	MA	$108,955
City of Cambridge, Massachusetts	MA	$20,790
Action Inc	MA	$114,400
Community Counseling of Bristol County, Inc	MA	$83,522
Community Counseling of Bristol County, Inc	MA	$91,618
Advocates Inc	MA	$117,213
Community Counseling of Bristol County, Inc	MA	$41,269
Advocates Inc	MA	$83,860
Merrimack Valley Young Men's Christian Organization	MA	$80,665
City of Cambridge, Massachusetts	MA	$28,946
City of Cambridge, Massachusetts	MA	$72,198
City of Cambridge, Massachusetts	MA	$162,236
United Way of Greater Attleboro/Taunton, Inc	MA	$142,339
City of New Bedford	MA	$306,379
City of New Bedford	MA	$29,524
City of New Bedford	MA	$97,884
Community Counseling of Bristol County, Inc	MA	$108,954
City of Cambridge, Massachusetts	MA	$60,986
The Second Step, Inc	MA	$216,474
City of Cambridge, Massachusetts	MA	$56,541
City of Cambridge, Massachusetts	MA	$34,999
City of Cambridge, Massachusetts	MA	$82,870
Central Massachusetts Housing Alliance, Inc	MA	$146,490
City of Cambridge, Massachusetts	MA	$52,605
City of Cambridge, Massachusetts	MA	$14,386
City of Cambridge, Massachusetts	MA	$51,042
Advocates Inc	MA	$33,438
City of Taunton	MA	$93,835
City of New Bedford	MA	$198,609
City of Cambridge, Massachusetts	MA	$33,600
Barnstable Housing Authority	MA	$34,860
Barnstable Housing Authority	MA	$380,520
Barnstable Housing Authority	MA	$108,720
Advocates Inc	MA	$83,860
Advocates Inc	MA	$168,022
City of Cambridge, Massachusetts	MA	$58,530
Advocates Inc	MA	$169,781
Barnstable Housing Authority	MA	$59,676
City of Springfield	MA	$152,428
Just-A-Start	MA	$23,100
South Middlesex Legal Services, Inc	MA	$48,506
Housing For All Corporation	MA	$44,200
City of Springfield	MA	$454,080
City of Springfield	MA	$211,431
City of Springfield	MA	$195,574
City of Springfield	MA	$217,908
City of Springfield	MA	$118,831
City of Worcester, MA	MA	$472,156
City of Springfield	MA	$135,641
Somerville Homeless Coalition, Inc	MA	$417,423
City of Springfield	MA	$96,694
City of Springfield	MA	$82,560
City of Springfield	MA	$99,072
City of Springfield	MA	$35,420
City of Worcester, MA	MA	$181,582

Recipient	State	Amount
City of Worcester, MA	MA	$647,328
City of Boston Acting by and through its PFC by DND	MA	$249,106
City of Worcester, MA	MA	$360,661
City of Springfield	MA	$29,733
Duffy Health Center, Inc	MA	$21,924
City of Cambridge, Massachusetts	MA	$98,442
Mass. Department of Mental Health	MA	$217,440
City of New Bedford	MA	$279,016
Community Healthlink, Inc	MA	$246,979
City of Boston Acting by and through its PFC by DND	MA	$1,091,088
City of Boston Acting by and through its PFC by DND	MA	$34,617
City of Boston Acting by and through its PFC by DND	MA	$133,369
City of Boston Acting by and through its PFC by DND	MA	$152,251
South Shore Housing Development Corporation	MA	$42,000
Brookline Community Mental Health Center	MA	$70,797
Somerville Homeless Coalition, Inc	MA	$163,827
City of Worcester, MA	MA	$272,520
Berkshire Community Action Council	MA	$133,190
Duffy Health Center, Inc	MA	$43,848
City of Boston Acting by and through its PFC by DND	MA	$387,720
Citizens for Affordable Housing in Newton Development Organ,	MA	$12,616
South Shore Housing Development Corporation	MA	$83,125
Somerville Homeless Coalition, Inc	MA	$40,011
Somerville Homeless Coalition, Inc	MA	$194,608
City of New Bedford	MA	$248,564
City of Boston Acting by and through its PFC by DND	MA	$187,532
Tri-City Community Action Program (Tri-CAP)	MA	$175,964
CASPAR, Inc	MA	$150,793
City of Boston Acting by and through its PFC by DND	MA	$44,100
City of Boston Acting by and through its PFC by DND	MA	$79,869
City of Boston Acting by and through its PFC by DND	MA	$90,185
City of Boston Acting by and through its PFC by DND	MA	$37,010
City of Boston Acting by and through its PFC by DND	MA	$56,883
City of Boston Acting by and through its PFC by DND	MA	$49,392
Haverhill Housing Authority	MA	$158,760
City of Boston Acting by and through its PFC by DND	MA	$217,233
CASPAR, Inc	MA	$39,138
Construct, Inc	MA	$41,200
Tri-City Community Action Program (Tri-CAP)	MA	$183,961
Vinfen Corporation	MA	$36,955
City of Boston Acting by and through its PFC by DND	MA	$104,843
City of Boston Acting by and through its PFC by DND	MA	$67,618
City of Boston Acting by and through its PFC by DND	MA	$234,780
City of Boston Acting by and through its PFC by DND	MA	$530,164
City of Cambridge, Massachusetts	MA	$18,480
City of Boston Acting by and through its PFC by DND	MA	$476,311
City of Boston Acting by and through its PFC by DND	MA	$733,356
City of Northampton	MA	$72,450
City of Boston Acting by and through its PFC by DND	MA	$48,442
Family Life Support Center	MA	$53,667
The Second Step, Inc	MA	$65,810
The Second Step, Inc	MA	$94,045
City of Northampton	MA	$200,529
City of Boston Acting by and through its PFC by DND	MA	$32,586
City of Boston Acting by and through its PFC by DND	MA	$108,244
CASPAR, Inc	MA	$114,450
City of Boston Acting by and through its PFC by DND	MA	$233,280
CASPAR, Inc	MA	$81,498
City of Boston Acting by and through its PFC by DND	MA	$141,792
City of Boston Acting by and through its PFC by DND	MA	$194,400
City of Boston Acting by and through its PFC by DND	MA	$245,814
Lynn Shelter Association	MA	$211,146
Turning Point, Inc	MA	$282,569
City of Boston Acting by and through its PFC by DND	MA	$288,363
Family Life Support Center	MA	$136,491
City of Lowell, Massachusetts	MA	$40,325
Steppingstone, Inc	MA	$329,091
City of Cambridge, Massachusetts	MA	$45,479
City of Cambridge, Massachusetts	MA	$123,768
City of Lowell, Massachusetts	MA	$400,894
Central Massachusetts Housing Alliance, Inc	MA	$135,447
Central Massachusetts Housing Alliance, Inc	MA	$117,667
Central Massachusetts Housing Alliance, Inc	MA	$262,500
Central Massachusetts Housing Alliance, Inc	MA	$104,999

Recipient	State	Amount
Central Massachusetts Housing Alliance, Inc	MA	$259,536
Central Massachusetts Housing Alliance, Inc	MA	$98,786
Berkshire Community Action Council	MA	$46,988
Central Massachusetts Housing Alliance, Inc	MA	$139,119
City of Cambridge, Massachusetts	MA	$ 9,916
Central Massachusetts Housing Alliance, Inc	MA	$219,247
Central Massachusetts Housing Alliance, Inc	MA	$49,700
City of Cambridge, Massachusetts	MA	$17,724
City of Cambridge, Massachusetts	MA	$340,131
City of Cambridge, Massachusetts	MA	$246,738
City of Cambridge, Massachusetts	MA	$171,142
City of Cambridge, Massachusetts	MA	$52,295
City of Cambridge, Massachusetts	MA	$460,807
City of Cambridge, Massachusetts	MA	$19,527
City of New Bedford	MA	$270,690
City of Lowell, Massachusetts	MA	$67,350
City of Lowell, Massachusetts	MA	$92,038
City of Boston Acting by and through its PFC by DND	MA	$201,048
Twin Cities Community Development Corporation	MA	$91,018
Housing Assistance Corporation	MA	$66,431
City of Boston Acting by and through its PFC by DND	MA	$28,350
Catholic Social Services of Fall River, Inc	MA	$119,469
Catholic Social Services of Fall River, Inc	MA	$31,708
City of Cambridge, Massachusetts	MA	$119,316
City of Lowell, Massachusetts	MA	$189,283
City of Cambridge, Massachusetts	MA	$169,649
City of New Bedford	MA	$96,819
Central Massachusetts Housing Alliance, Inc	MA	$362,650
City of Boston Acting by and through its PFC by DND	MA	$118,768
Central Massachusetts Housing Alliance, Inc	MA	$38,850
Central Massachusetts Housing Alliance, Inc	MA	$78,601
City of New Bedford	MA	$192,193
Cambridge Housing Authority	MA	$291,600
City of Cambridge, Massachusetts	MA	$57,750
Catholic Social Services of Fall River, Inc	MA	$25,811
Garrett County Community Action Committee, Inc	MD	$52,473
Garrett County Community Action Committee, Inc	MD	$12,974
Human Services Programs of Carroll County, Inc	MD	$15,336
Human Services Programs of Carroll County, Inc	MD	$34,998
Human Services Programs of Carroll County, Inc	MD	$49,865
Human Services Programs of Carroll County, Inc	MD	$7,794
Human Services Programs of Carroll County, Inc	MD	$7,871
Garrett County Community Action Committee, Inc	MD	$9,843
Human Services Programs of Carroll County, Inc	MD	$44,000
Housing Opportunities Commission	MD	$573,792
Montgomery County Coalition for the Homeless, Inc	MD	$270,869
Montgomery County Coalition for the Homeless, Inc	MD	$134,433
Montgomery County Coalition for the Homeless, Inc	MD	$511,058
Montgomery County Coalition for the Homeless, Inc	MD	$359,232
Montgomery County Coalition for the Homeless, Inc	MD	$826,569
Human Services Programs of Carroll County, Inc	MD	$86,135
City of Baltimore—Baltimore Homeless Services	MD	$284,040
City of Baltimore—Baltimore Homeless Services	MD	$136,196
City of Baltimore—Baltimore Homeless Services	MD	$102,062
City of Baltimore—Baltimore Homeless Services	MD	$308,504
City of Baltimore—Baltimore Homeless Services	MD	$157,800
City of Baltimore—Baltimore Homeless Services	MD	$291,244
Housing Authority of St. Mary's County, MD	MD	$34,959
Housing Authority of St. Mary's County, MD	MD	$41,938
City of Baltimore—Baltimore Homeless Services	MD	$822,648
Housing Authority of St. Mary's County, MD	MD	$70,633
City of Baltimore—Baltimore Homeless Services	MD	$260,400
City of Baltimore—Baltimore Homeless Services	MD	$235,136
City of Baltimore—Baltimore Homeless Services	MD	$261,777
City of Baltimore—Baltimore Homeless Services	MD	$97,356
Housing Authority of St. Mary's County, MD	MD	$110,360
Housing Authority of St. Mary's County, MD	MD	$42,451
City of Baltimore—Baltimore Homeless Services	MD	$297,461
Allegany County Human Resources Development Commission, Inc	MD	$66,044
Housing Authority of St. Mary's County, MD	MD	$179,372
City of Baltimore—Baltimore Homeless Services	MD	$69,258
Maryland Department of Health and Mental Hygiene	MD	$137,604
City of Baltimore—Baltimore Homeless Services	MD	$58,776
City of Baltimore—Baltimore Homeless Services	MD	$41,149

Recipient	State	Amount
City of Baltimore—Baltimore Homeless Services	MD	$41,664
City of Baltimore—Baltimore Homeless Services	MD	$335,087
City of Baltimore—Baltimore Homeless Services	MD	$1,421,238
City of Baltimore—Baltimore Homeless Services	MD	$181,968
City of Baltimore—Baltimore Homeless Services	MD	$94,680
City of Baltimore—Baltimore Homeless Services	MD	$31,138
City of Baltimore—Baltimore Homeless Services	MD	$34,341
City of Baltimore—Baltimore Homeless Services	MD	$78,750
City of Baltimore—Baltimore Homeless Services	MD	$214,025
City of Gaithersburg—Wells/Robertson House	MD	$128,247
City of Baltimore—Baltimore Homeless Services	MD	$488,651
City of Baltimore—Baltimore Homeless Services	MD	$100,044
City of Baltimore—Baltimore Homeless Services	MD	$113,461
City of Baltimore—Baltimore Homeless Services	MD	$251,744
Allegany County Human Resources Development Commission, Inc	MD	$32,739
City of Baltimore—Baltimore Homeless Services	MD	$205,926
Howard County Government	MD	$134,386
Allegany County Human Resources Development Commission, Inc	MD	$71,068
United Communities Against Poverty, Inc. (UCAP)	MD	$194,852
United Communities Against Poverty, Inc. (UCAP)	MD	$158,919
AIDS Interfaith Residential Services, Inc	MD	$185,039
AIDS Interfaith Residential Services, Inc	MD	$149,522
AIDS Interfaith Residential Services, Inc	MD	$38,800
Washington County Department of Social Services	MD	$45,839
Prince George's County Department of Social Services	MD	$380,156
Howard County Government	MD	$52,363
Prince George's County Department of Social Services	MD	$382,783
YMCA of Cumberland	MD	$70,350
YMCA of Cumberland	MD	$30,870
YMCA of Cumberland	MD	$50,457
YMCA of Cumberland	MD	$114,533
YMCA of Cumberland	MD	$163,418
Howard County Government	MD	$236,433
Howard County Government	MD	$70,504
Associated Catholic Charities	MD	$79,198
Howard County Government	MD	$158,016
City of Baltimore—Baltimore Homeless Services	MD	$93,744
City of Baltimore—Baltimore Homeless Services	MD	$32,983
Allegany County Human Resources Development Commission, Inc	MD	$14,676
City of Baltimore—Baltimore Homeless Services	MD	$207,973
City of Baltimore—Baltimore Homeless Services	MD	$552,300
City of Baltimore—Baltimore Homeless Services	MD	$1,559,532
City of Baltimore—Baltimore Homeless Services	MD	$111,552
City of Baltimore—Baltimore Homeless Services	MD	$611,913
United Communities Against Poverty, Inc. (UCAP)	MD	$161,403
City of Baltimore—Baltimore Homeless Services	MD	$166,656
City of Baltimore—Baltimore Homeless Services	MD	$98,780
City of Baltimore—Baltimore Homeless Services	MD	$23,520
City of Baltimore—Baltimore Homeless Services	MD	$208,320
City of Baltimore—Baltimore Homeless Services	MD	$1,208,904
City of Baltimore—Baltimore Homeless Services	MD	$87,158
City of Baltimore—Baltimore Homeless Services	MD	$100,248
City of Baltimore—Baltimore Homeless Services	MD	$1,168,611
Prince George's County Department of Social Services	MD	$908,844
Prince George's County Department of Social Services	MD	$116,193
City of Baltimore—Baltimore Homeless Services	MD	$356,031
Maryland Department of Health and Mental Hygiene	MD	$328,644
JHP, Inc	MD	$136,761
Maryland Department of Health and Mental Hygiene	MD	$120,648
Maryland Department of Health and Mental Hygiene	MD	$33,276
Maryland Department of Health and Mental Hygiene	MD	$219,084
Somerset County Health Department	MD	$227,480
Somerset County Health Department	MD	$421,857
Somerset County Health Department	MD	$14,076
City of Baltimore—Baltimore Homeless Services	MD	$114,805
Maryland Department of Health and Mental Hygiene	MD	$147,480
City of Frederick	MD	$135,536
Maryland Department of Health and Mental Hygiene	MD	$146,856
Maryland Department of Health and Mental Hygiene	MD	$101,136
People Encouraging People, Inc	MD	$314,950
City of Baltimore—Baltimore Homeless Services	MD	$165,152
City of Baltimore—Baltimore Homeless Services	MD	$231,315
City of Baltimore—Baltimore Homeless Services	MD	$49,776
City of Baltimore—Baltimore Homeless Services	MD	$50,022

Recipient	State	Amount
Somerset County Health Department	MD	$13,866
Baltimore Mental Health Systems, Inc	MD	$227,566
Baltimore County, Maryland	MD	$105,000
Baltimore County, Maryland	MD	$248,745
Anne Arundel County, Maryland	MD	$113,568
Baltimore County, Maryland	MD	$431,727
Baltimore County, Maryland	MD	$168,914
Heartly House, Inc	MD	$35,074
Baltimore Mental Health Systems, Inc	MD	$342,117
JHP, Inc	MD	$228,186
Baltimore Mental Health Systems, Inc	MD	$247,453
Advocates for Homeless Families, Inc	MD	$24,008
Baltimore Mental Health Systems, Inc	MD	$252,874
Baltimore Mental Health Systems, Inc	MD	$392,200
Baltimore Mental Health Systems, Inc	MD	$369,600
Friends for Neighborhood Progress, Inc	MD	$21,882
Friends for Neighborhood Progress, Inc	MD	$8,175
Friends for Neighborhood Progress, Inc	MD	$8,829
City of Frederick	MD	$65,896
City of Baltimore—Baltimore Homeless Services	MD	$99,552
Baltimore Mental Health Systems, Inc	MD	$159,600
City of Baltimore—Baltimore Homeless Services	MD	$49,776
City of Baltimore—Baltimore Homeless Services	MD	$168,300
Crossroads Community, Inc	MD	$13,713
Crossroads Community, Inc	MD	$39,019
City of Baltimore—Baltimore Homeless Services	MD	$363,849
City of Baltimore—Baltimore Homeless Services	MD	$107,116
City of Baltimore—Baltimore Homeless Services	MD	$55,347
City of Baltimore—Baltimore Homeless Services	MD	$38,127
Crossroads Community, Inc	MD	$61,972
City of Baltimore—Baltimore Homeless Services	MD	$62,220
Crossroads Community, Inc	MD	$13,584
City of Baltimore—Baltimore Homeless Services	MD	$35,343
City of Baltimore—Baltimore Homeless Services	MD	$173,250
City of Baltimore—Baltimore Homeless Services	MD	$74,001
City of Baltimore—Baltimore Homeless Services	MD	$118,835
City of Baltimore—Baltimore Homeless Services	MD	$117,065
City of Baltimore—Baltimore Homeless Services	MD	$175,124
City of Baltimore—Baltimore Homeless Services	MD	$1,109,352
City of Baltimore—Baltimore Homeless Services	MD	$466,080
Maryland Department of Health and Mental Hygiene	MD	$247,728
Maryland Department of Health and Mental Hygiene	MD	$134,232
Garrett County Community Action Committee, Inc	MD	$153,305
City of Baltimore—Baltimore Homeless Services	MD	$45,378
City of Baltimore—Baltimore Homeless Services	MD	$260,400
Maryland Department of Health and Mental Hygiene	MD	$1,035,420
Maryland Department of Health and Mental Hygiene	MD	$91,392
Housing Opportunities Commission	MD	$1,119,531
Housing Opportunities Commission	MD	$79,533
Crossroads Community, Inc	MD	$117,078
Housing Opportunities Commission	MD	$144,938
Maryland Department of Health and Mental Hygiene	MD	$80,928
Maryland Department of Health and Mental Hygiene	MD	$221,856
City of Baltimore—Baltimore Homeless Services	MD	$46,235
City of Baltimore—Baltimore Homeless Services	MD	$55,860
City of Baltimore—Baltimore Homeless Services	MD	$67,554
Maryland Department of Health and Mental Hygiene	MD	$57,384
City of Baltimore—Baltimore Homeless Services	MD	$109,032
Maryland Department of Health and Mental Hygiene	MD	$203,232
City of Baltimore—Baltimore Homeless Services	MD	$155,548
Housing Opportunities Commission	MD	$1,188,244
Catholic Charities of the Archdiocese of Washington DC	MD	$86,391
Anne Arundel County, Maryland	MD	$324,252
Rehabilitation Systems, Inc	MD	$132,958
Rehabilitation Systems, Inc	MD	$368,004
Rehabilitation Systems, Inc	MD	$234,720
Anne Arundel County, Maryland	MD	$41,597
Anne Arundel County, Maryland	MD	$171,056
Harford County, Maryland	MD	$20,371
Board of County Commissioners of Calvert County, Maryland	MD	$18,252
Human Services Developmental Corporation, Inc	MD	$76,727
Cecil County Department of Social Services	MD	$37,996
Harford County, Maryland	MD	$83,944
Community Assistance Network, Inc	MD	$174,593

Recipient	State	Amount
The National Center for Children and Families	MD	$541,738
The National Center for Children and Families	MD	$640,658
Baltimore County, Maryland	MD	$15,750
Laurel Advocacy and Referral Services, Inc	MD	$185,770
Laurel Advocacy and Referral Services, Inc	MD	$47,265
Baltimore County, Maryland	MD	$80,138
Nehemiah House, Inc	MD	$57,295
Catholic Charities of the Archdiocese of Washington DC	MD	$78,839
Washington County Community Action Council, Inc	MD	$138,666
Community Coalition for Affordable Housing, Inc	MD	$11,330
Harford County, Maryland	MD	$83,975
Montgomery Avenue Women's Center	MD	$138,183
Harford County, Maryland	MD	$10,585
Harford County, Maryland	MD	$56,047
Washington County Community Action Council, Inc	MD	$56,367
Anne Arundel County, Maryland	MD	$58,349
Washington County Community Action Council, Inc	MD	$60,063
Catholic Charities of the Archdiocese of Washington DC	MD	$235,903
Mid-Shore Mental Health Systems, Inc	MD	$59,306
Mid-Shore Mental Health Systems, Inc	MD	$176,136
Anne Arundel County, Maryland	MD	$70,786
Anne Arundel County, Maryland	MD	$54,548
Harford County, Maryland	MD	$9,273
Harford County, Maryland	MD	$89,770
Anne Arundel County, Maryland	MD	$329,983
Harford County, Maryland	MD	$71,263
Harford County, Maryland	MD	$48,358
Anne Arundel County, Maryland	MD	$252,273
Catholic Charities of the Archdiocese of Washington DC	MD	$24,245
Anne Arundel County, Maryland	MD	$129,499
Acadia Healthcare Inc	ME	$9,975
State of Maine, Department of Health and Human Services	ME	$685,020
State of Maine, Department of Health and Human Services	ME	$397,848
Youth Alternatives, Inc	ME	$126,936
State of Maine, Department of Health and Human Services	ME	$1,014,912
State of Maine, Department of Health and Human Services	ME	$1,442,652
Youth Alternatives, Inc	ME	$307,099
Youth Alternatives, Inc	ME	$82,356
Community Health and Counseling Services	ME	$18,599
Shaw House	ME	$95,550
State of Maine, Department of Health and Human Services	ME	$285,480
City of Bangor	ME	$255,840
State of Maine, Department of Health and Human Services	ME	$301,992
State of Maine, Department of Health and Human Services	ME	$97,488
Maine State Housing Authority	ME	$154,959
City of Portland	ME	$27,970
City of Portland	ME	$15,443
City of Portland	ME	$158,126
Community Housing of Maine, Inc	ME	$19,635
York County Shelter Programs, Inc	ME	$33,238
York County Shelter Programs, Inc	ME	$111,127
York County Shelter Programs, Inc	ME	$99,174
OHI	ME	$27,900
Counseling Services, Inc	ME	$64,410
Battered Women's Project	ME	$27,251
Portland West, Inc	ME	$70,652
Kennebec Behavioral Health	ME	$32,838
City of Bangor	ME	$62,640
State of Maine, Department of Health and Human Services	ME	$142,320
City of Bangor	ME	$255,192
Tedford Housing	ME	$391,203
Tedford Housing	ME	$6,825
State of Maine, Department of Health and Human Services	ME	$232,164
State of Maine, Department of Health and Human Services	ME	$1,175,640
City of Portland	ME	$70,016
Maine State Housing Authority	ME	$66,431
State of Maine, Department of Health and Human Services	ME	$194,160
State of Maine, Department of Health and Human Services	ME	$96,480
State of Maine, Department of Health and Human Services	ME	$13,224
State of Maine, Department of Health and Human Services	ME	$201,252
City of Bangor	ME	$72,672
MAPS/My Choice	ME	$71,355
Avesta Housing Development Corporation	ME	$304,266
Washington County Association for Retarded Citizens	ME	$28,927

Recipient	State	Amount
New Beginnings, Inc	ME	$167,116
City of Bangor Maine	ME	$16,758
Oakland Livingston Human Service Agency	MI	$16,728
Human Development Commission	MI	$244,603
SIREN/Eaton Shelter, Inc	MI	$113,400
Peckham, Inc	MI	$146,877
S.A.F.E. Place	MI	$86,976
Community Housing Network, Inc	MI	$69,737
Oakland Livingston Human Service Agency	MI	$25,083
Housing Resources, Inc. of Kalamazoo County	MI	$232,318
Housing Resources, Inc. of Kalamazoo County	MI	$47,862
Housing Resources, Inc. of Kalamazoo County	MI	$317,960
Michigan Department of Human Services	MI	$537,640
Michigan Department of Human Services	MI	$870,274
Community Housing Network, Inc	MI	$71,554
Community Housing Network, Inc	MI	$209,365
Catholic Family Services	MI	$104,240
Community Housing Network, Inc	MI	$100,399
Women Empowering Women, Inc	MI	$19,764
Michigan Ability Partners	MI	$51,100
Michigan Ability Partners	MI	$41,316
Mariners Inn	MI	$243,585
Relief After Violent Encounter-Ionia/Montcalm, Inc	MI	$57,833
YWCA West Central Michigan	MI	$391,898
Shelter, Inc	MI	$44,241
Oakland Livingston Human Service Agency	MI	$16,080
Training and Treatment Innovations, Inc	MI	$150,051
Goodwill Industries of Northern Michigan, Inc	MI	$25,620
Macomb County Community Mental Health	MI	$22,817
Positive Images	MI	$700,009
Wayne, Charter County of	MI	$175,143
Allegan County Community Mental Health Services	MI	$84,800
Training and Treatment Innovations, Inc	MI	$109,192
SIREN/Eaton Shelter, Inc	MI	$165,340
Training and Treatment Innovations, Inc	MI	$115,054
Training and Treatment Innovations, Inc	MI	$151,532
Saginaw County Community Mental Health Authority	MI	$208,152
Capital Area Community Services, Inc	MI	$93,809
Wayne County Neighborhood Legal Services	MI	$335,863
Genesis Non-Profit Housing Corporation	MI	$36,750
Genesis Non-Profit Housing Corporation	MI	$26,250
Lighthouse of Oakland County, Inc	MI	$100,762
Eastern Upper Peninsula Veterans Foundation	MI	$115,166
Covenant House Michigan	MI	$400,233
Jewish Vocational Service	MI	$816,441
Housing Services for Eaton County	MI	$197,007
SOS Community Services, Inc	MI	$252,455
Homes From Heaven	MI	$57,081
Saginaw County Community Mental Health Authority	MI	$70,224
Metro Housing Partnership	MI	$232,913
Southwest Housing Solutions	MI	$129,539
Community Housing Network, Inc	MI	$212,524
Freedom House Detroit	MI	$383,543
Inner City Christian Federation	MI	$38,810
Genesee County Community Action Resource Department	MI	$313,800
Lansing Housing Commission	MI	$261,792
Michigan Department of Human Services	MI	$322,507
Saginaw County Youth Protection Council	MI	$66,610
Capital Area Community Services, Inc	MI	$106,791
Lighthouse of Oakland County, Inc	MI	$103,106
Lighthouse of Oakland County, Inc	MI	$171,337
Saginaw County Youth Protection Council	MI	$126,000
Genesis Non-Profit Housing Corporation	MI	$32,550
SOS Community Services, Inc	MI	$1,182,579
United Community Housing Coalition	MI	$569,351
Genesee County Community Action Resource Department	MI	$171,708
Lutheran Social Services of Wisconsin and Upper Michigan, In	MI	$104,307
Catholic Social Services of Wayne County	MI	$181,418
Catholic Social Services of Wayne County	MI	$217,209
Alternatives For Girls	MI	$111,726
Lutheran Social Services of Wisconsin and Upper Michigan, In	MI	$89,209
Saginaw County Youth Protection Council	MI	$174,789
Lighthouse of Oakland County, Inc	MI	$203,741
Michigan Department of Community Health	MI	$156,948

Recipient	State	Amount
Community Action Agency	MI	$56,131
Branch County Coalition Against Domestic Violence	MI	$20,700
Branch County Coalition Against Domestic Violence	MI	$14,422
Foundation for Mental Health-Grand Traverse/Leelanau	MI	$90,209
Foundation for Mental Health-Grand Traverse/Leelanau	MI	$12,588
Foundation for Mental Health-Grand Traverse/Leelanau	MI	$42,105
Michigan Department of Community Health	MI	$178,644
Foundation for Mental Health-Grand Traverse/Leelanau	MI	$71,400
Community Mental Health Services of Muskegon County	MI	$102,888
Michigan Department of Community Health	MI	$121,752
Michigan Department of Community Health	MI	$170,736
Mariners Inn	MI	$289,004
First Step: Western Wayne County Project on Domestic Assault	MI	$41,658
First Step: Western Wayne County Project on Domestic Assault	MI	$47,581
Ann Arbor Housing Commission	MI	$71,256
Michigan Ability Partners	MI	$403,071
Foundation for Mental Health-Grand Traverse/Leelanau	MI	$60,170
Homeless Action Network of Detroit	MI	$190,273
Community Action Agency	MI	$54,932
Community Action Agency	MI	$269,267
Community Action Agency	MI	$190,243
Community Mental Health Services of Muskegon County	MI	$42,048
Summit Pointe	MI	$71,333
The Salvation Army Eastern Michigan Division Harbor Light	MI	$466,464
Dwelling Place of Grand Rapids, Inc	MI	$100,935
Grand Rapids Housing Commission	MI	$122,219
Heartside Nonprofit Housing Corporation	MI	$63,000
Grand Rapids Housing Commission	MI	$124,418
Women's Resource Center for the Grand Traverse Area	MI	$133,875
Women's Resource Center for the Grand Traverse Area	MI	$29,517
Ann Arbor Housing Commission	MI	$157,608
Ann Arbor Housing Commission	MI	$296,832
Grand Rapids Housing Commission	MI	$226,900
Metro Housing Partnership	MI	$89,577
Michigan Department of Community Health	MI	$40,560
Community Mental Health Authority of CEI Counties	MI	$49,875
Wayne Metropolitan Community Action Agency	MI	$204,449
Cass Community Social Services, Inc	MI	$420,000
West Michigan Therapy	MI	$13,333
West Michigan Therapy	MI	$62,000
West Michigan Therapy	MI	$234,168
Grand Rapids Housing Commission	MI	$243,155
Wayne Metropolitan Community Action Agency	MI	$191,987
Michigan Department of Community Health	MI	$154,128
Wayne Metropolitan Community Action Agency	MI	$672,770
Michigan Department of Community Health	MI	$134,208
Wayne Metropolitan Community Action Agency	MI	$244,064
Wayne Metropolitan Community Action Agency	MI	$119,279
Wayne Metropolitan Community Action Agency	MI	$280,181
Wayne Metropolitan Community Action Agency	MI	$180,531
Ann Arbor Housing Commission	MI	$232,788
Word Foundation Agape House	MI	$105,000
Wayne Metropolitan Community Action Agency	MI	$369,538
Wayne Metropolitan Community Action Agency	MI	$208,404
Michigan Department of Community Health	MI	$535,716
Michigan Department of Community Health	MI	$317,400
Michigan Department of Community Health	MI	$294,360
Community Mental Health Services of Muskegon County	MI	$16,598
Michigan Department of Community Health	MI	$180,108
Michigan Department of Community Health	MI	$89,232
Cass Community Social Services, Inc	MI	$188,724
Cass Community Social Services, Inc	MI	$257,272
Mariners Inn	MI	$132,235
Michigan Department of Community Health	MI	$636,876
Michigan Department of Community Health	MI	$470,610
Michigan Department of Community Health	MI	$302,280
Michigan Department of Community Health	MI	$1,906,320
Michigan Department of Community Health	MI	$481,800
Michigan Department of Community Health	MI	$362,827
Michigan Department of Community Health	MI	$703,649
Michigan Department of Community Health	MI	$336,288
Community Living Services, Inc	MI	$680,525
Michigan Department of Community Health	MI	$284,280
Charter County of Wayne	MI	$127,813

Recipient	State	Amount
Community Housing Network, Inc	MI	$267,996
Metro Housing Partnership	MI	$50,269
Metro Housing Partnership	MI	$700,975
Metro Housing Partnership	MI	$66,248
Bay Area Women's Center	MI	$60,483
Metro Housing Partnership	MI	$62,160
Coalition On Temporary Shelter	MI	$68,259
POWER Inc (People-Organized-Working-Evolving-Reaching)	MI	$168,871
City of Lansing	MI	$97,081
Bay Area Women's Center	MI	$106,488
Lutheran Social Services of Michigan	MI	$76,987
Travelers Aid Society of Metropolitan Detroit	MI	$213,474
Metro Housing Partnership	MI	$64,750
Travelers Aid Society of Metropolitan Detroit	MI	$223,031
Northpointe Behavioral Healthcare Systems	MI	$ 5,850
Center for Women in Transition	MI	$23,220
Alternative Community Living, Inc	MI	$36,211
City of Lansing	MI	$24,001
Alger Marquette Community Action Board	MI	$52,207
Ozone House, Inc	MI	$112,157
Charter County of Wayne	MI	$401,246
County of Kent	MI	$139,440
Avalon Housing, Inc	MI	$83,334
Detroit Central City	MI	$1,009,997
County of Kent	MI	$366,108
Macomb Homeless Coalition	MI	$28,890
Alternative Community Living, Inc	MI	$33,469
County of Kent	MI	$743,832
Wayne County Neighborhood Legal Services	MI	$768,091
Community Housing Network, Inc	MI	$319,414
SOS Community Services, Inc	MI	$433,994
Charter County of Wayne	MI	$453,143
Metro Housing Partnership	MI	$63,697
Avalon Housing, Inc	MI	$86,534
Community Housing Network, Inc	MI	$149,689
Monroe County Opportunity Program	MI	$102,741
Staircase Youth Services. Inc	MI	$101,963
City of Lansing	MI	$46,115
Southwest Housing Solutions	MI	$202,978
Metro Housing Partnership	MI	$55,911
City of Lansing	MI	$150,576
Coalition On Temporary Shelter	MI	$84,979
Community Housing Network, Inc	MI	$122,665
Lutheran Social Services of Michigan	MI	$31,950
City of Lansing	MI	$256,856
Community Housing Network, Inc	MI	$58,180
Underground Railroad Inc	MI	$215,691
Underground Railroad Inc	MI	$89,882
City of Lansing	MI	$328,234
City of Lansing	MI	$39,334
Community Housing Network, Inc	MI	$326,432
Michigan Department of Human Services	MI	$117,454
Coalition On Temporary Shelter	MI	$105,546
Metro Housing Partnership	MI	$247,570
Community Housing Network, Inc	MI	$322,248
Metro Housing Partnership	MI	$205,543
Metro Housing Partnership	MI	$49,006
Travelers Aid Society of Metropolitan Detroit	MI	$940,014
Community Care Services	MI	$143,119
Lutheran Social Services of Michigan	MI	$24,447
Community Rebuilders	MI	$607,695
Community Rebuilders	MI	$256,080
Travelers Aid Society of Metropolitan Detroit	MI	$868,677
Haven of Rest Ministries Inc	MI	$175,161
Charter County of Wayne	MI	$287,892
Haven of Rest Ministries Inc	MI	$86,758
Community Rebuilders	MI	$260,310
Good Samaritan Ministries	MI	$402,066
Charter County of Wayne	MI	$40,560
Detroit Rescue Mission Ministries	MI	$1,057,722
County of Ottawa	MI	$96,996
City of Lansing	MI	$62,842
Center for Women in Transition	MI	$81,736
Common Ground Sanctuary	MI	$84,546

Recipient	State	Amount
County of Ottawa	MI	$17,585
Detroit Rescue Mission Ministries	MI	$426,160
Metro Housing Partnership	MI	$105,213
Detroit Rescue Mission Ministries	MI	$406,740
Catholic Social Services of Wayne County	MI	$138,409
Detroit Rescue Mission Ministries	MI	$493,646
Detroit Rescue Mission Ministries	MI	$220,333
Detroit Rescue Mission Ministries	MI	$622,667
Perfecting Community Development Corporation	MI	$51,304
County of Ottawa	MI	$218,943
City of Lansing	MI	$172,900
Detroit Rescue Mission Ministries	MI	$543,533
Saginaw Housing Commission	MI	$157,944
Training and Treatment Innovations, Inc	MI	$116,243
Coalition On Temporary Shelter	MI	$135,338
Coalition On Temporary Shelter	MI	$308,529
Coalition On Temporary Shelter	MI	$660,686
Saginaw Housing Commission	MI	$31,920
Saginaw Housing Commission	MI	$112,749
City of Lansing	MI	$100,432
Metro Housing Partnership	MI	$124,286
Detroit Rescue Mission Ministries	MI	$448,436
Saginaw Housing Commission	MI	$150,000
SOS Community Services, Inc	MI	$395,974
Travelers Aid Society of Metropolitan Detroit	MI	$80,656
Community Housing Network, Inc	MI	$168,253
Lenawee Emergency and Affordable Housing Corporation	MI	$3,000
Lenawee Emergency and Affordable Housing Corporation	MI	$86,511
Center for Women in Transition	MI	$85,795
City of Lansing	MI	$285,394
Wayne County Neighborhood Legal Services	MI	$483,349
Macomb Homeless Coalition	MI	$29,919
Charter County of Wayne	MI	$297,216
Detroit Rescue Mission Ministries	MI	$759,593
Center for Women in Transition	MI	$38,614
Cory Place, Inc	MI	$136,666
Kalamazoo Community Mental Health & Substance Abuse Services	MI	$258,648
Kalamazoo Community Mental Health & Substance Abuse Services	MI	$38,803
Kalamazoo Community Mental Health & Substance Abuse Services	MI	$299,401
Kalamazoo Community Mental Health & Substance Abuse Services	MI	$116,159
Michigan State Housing Development Authority	MI	$214,539
Michigan State Housing Development Authority	MI	$168,000
Michigan State Housing Development Authority	MI	$640,500
Community Housing Network, Inc	MI	$206,398
Training and Treatment Innovations, Inc	MI	$118,144
Charter County of Wayne	MI	$112,665
Michigan Veterans Foundation	MI	$709,836
Sacred Heart Rehabilitation Center, Inc	MI	$194,214
Simon House	MI	$88,674
Livingston County Community Mental Health Authority	MI	$29,343
Common Ground Sanctuary	MI	$82,761
Livingston County Community Mental Health Authority	MI	$38,210
City of Lansing	MI	$62,842
Kalamazoo Community Mental Health & Substance Abuse Services	MI	$51,972
Goodwill Industries of Northern Michigan, Inc	MI	$51,923
Central Territorial of the Salvation Army	MI	$228,488
Central Territorial of the Salvation Army	MI	$231,583
Central Territorial of the Salvation Army	MI	$249,854
Common Ground Sanctuary	MI	$132,999
Kalamazoo Community Mental Health & Substance Abuse Services	MI	$109,113
Housing & Redevelopment Authority In & For the City of Will	MN	$23,705
Young Women's Christian Association	MN	$16,275
Kootasca Community Action	MN	$32,019
American Indian Community Development Corporation	MN	$81,111
Dakota County CDA	MN	$104,304
Ruth's House of Hope Inc	MN	$34,356
Ruth's House of Hope Inc	MN	$104,618
Tubman	MN	$97,085
Lutheran Social Service of Minnesota	MN	$166,023
Dakota County CDA	MN	$115,860
The Salvation Army	MN	$150,618
Hennepin County	MN	$347,548
Arrowhead Economic Opportunity Agency	MN	$26,276
Alliance Housing Inc	MN	$206,557

Recipient	State	Amount
Community Involvement Programs	MN	$25,479
The Salvation Army	MN	$145,166
The Salvation Army	MN	$45,108
Minnesota Assistance Council for Veterans	MN	$269,698
New Pathways, Inc	MN	$105,265
Women's Transitional Housing Coalition	MN	$56,908
Partners for Affordable Housing	MN	$11,522
The Salvation Army	MN	$246,784
The Salvation Army	MN	$182,959
Cabrini Partnership	MN	$183,077
The Salvation Army	MN	$48,859
The Salvation Army	MN	$62,163
Zion Original Outreach Ministry	MN	$75,185
The Salvation Army	MN	$88,098
RESOURCE, Inc	MN	$583,903
WEDCH, LLC	MN	$17,455
East Metro Women's Council	MN	$67,814
The Salvation Army	MN	$72,958
Volunteers of America of Minnesota	MN	$103,477
Life House Incorporated	MN	$49,261
Life House Incorporated	MN	$19,011
Human Services, Inc., in Washington County Minnesota	MN	$41,874
County of Scott	MN	$86,436
County of Scott	MN	$89,976
Plymouth Church Neighborhood Foundation	MN	$267,946
Aeon (formerly Central Community Housing Trust)	MN	$236,802
Aeon (formerly Central Community Housing Trust)	MN	$77,005
Arrowhead Economic Opportunity Agency	MN	$20,600
Hennepin County	MN	$503,868
Catholic Charities of the Archdiocese of St. Paul and Minneapolis	MN	$514,133
Northwestern Mental Health Center, Inc	MN	$47,400
LivingWorks Ventures	MN	$55,999
Lutheran Social Service of Minnesota	MN	$119,464
Lutheran Social Service of Minnesota	MN	$47,185
Safe Haven Shelter For Youth	MN	$26,889
People Incorporated	MN	$36,782
Women's Transitional Housing Coalition	MN	$86,094
Women's Transitional Housing Coalition	MN	$39,921
New Pathways, Inc	MN	$89,292
The Salvation Army	MN	$145,149
Theresa Living Center	MN	$54,912
Steele County Transitional Housing, Inc	MN	$23,751
RS Eden	MN	$45,486
Our Saviour's Outreach Ministries	MN	$69,906
RS Eden	MN	$149,100
Virginia MN HRA	MN	$232,320
Elim Transitional Housing, Inc	MN	$33,101
Project for Pride in Living, Inc	MN	$128,625
Violence Intervention Project	MN	$21,249
Amherst H. Wilder Foundation	MN	$954,260
Theresa Living Center	MN	$84,650
Virginia HRA	MN	$169,680
Range Transitional Housing, Inc	MN	$236,828
Range Transitional Housing, Inc	MN	$133,317
Young Women's Christian Association of St. Paul MN	MN	$80,585
Range Transitional Housing, Inc	MN	$91,432
Wings Family Supportive Services, Inc	MN	$56,961
Amherst H. Wilder Foundation	MN	$5,829
American Indian Community Housing Organization	MN	$20,483
American Indian Community Housing Organization	MN	$39,157
St. Paul Public Housing Agency	MN	$460,800
Amherst H. Wilder Foundation	MN	$25,000
Amherst H. Wilder Foundation	MN	$43,341
Amherst H. Wilder Foundation	MN	$16,040
Amherst H. Wilder Foundation	MN	$49,994
Amherst H. Wilder Foundation	MN	$ 5,756
Ramsey County	MN	$189,816
CommonBond Communities	MN	$430,686
Elim Transitional Housing, Inc	MN	$152,325
Amherst H. Wilder Foundation	MN	$18,000
Amherst H. Wilder Foundation	MN	$19,999
Amherst H. Wilder Foundation	MN	$62,069
Amherst H. Wilder Foundation	MN	$20,554
Housing Authority of St. Louis Park	MN	$110,148

Recipient	State	Amount
Amherst H. Wilder Foundation	MN	$16,470
Human Development Center	MN	$74,263
Heartland Community Action Agency, Inc	MN	$279,120
Arrowhead Economic Opportunity Agency	MN	$12,863
Arrowhead Economic Opportunity Agency	MN	$51,143
New Foundations, Inc	MN	$298,090
Metropolitan Council, Minnesota	MN	$98,952
Metropolitan Council, Minnesota	MN	$698,292
Elim Transitional Housing, Inc	MN	$36,325
Elim Transitional Housing, Inc	MN	$60,639
Freeport West, Inc	MN	$242,886
Metropolitan Council, Minnesota	MN	$327,252
Human Development Center	MN	$73,416
Housing & Redevelopment Authority of Clay County	MN	$56,666
Simpson Housing Services, Inc	MN	$143,091
Housing & Redevelopment Authority of Clay County	MN	$182,977
Human Development Center	MN	$16,417
Minnesota Assistance Council for Veterans	MN	$26,603
Metropolitan Council, Minnesota	MN	$879,756
Breaking Free	MN	$93,600
Amherst H. Wilder Foundation	MN	$42,649
Scott-Carver-Dakota CAP Agency, Inc	MN	$23,230
Scott-Carver-Dakota CAP Agency, Inc	MN	$130,067
Housing & Redevelopment Authority of Duluth, MN	MN	$97,560
Churches United for the Homeless	MN	$42,716
Churches United for the Homeless	MN	$47,697
Supportive Housing and Managed Care Pilot, aka Hearth Connection	MN	$17,166
Families Moving Forward	MN	$40,765
Housing Authority of St. Louis Park	MN	$59,136
Housing and Redevelopment Authority of St. Cloud, MN	MN	$97,392
Clare Housing	MN	$26,136
Model Cities of St. Paul, Inc	MN	$75,475
Model Cities of St. Paul, Inc	MN	$141,382
Perspectives, Inc	MN	$171,173
Perspectives, Inc	MN	$171,499
Freeport West, Inc	MN	$412,619
Families Moving Forward	MN	$33,510
Houston County Women's Resources	MN	$35,332
Minnesota Assistance Council for Veterans	MN	$152,250
Bi-County Community Action Programs, Inc	MN	$156,256
Bi-County Community Action Programs, Inc	MN	$33,600
Bi-County Community Action Programs, Inc	MN	$39,023
Bi-County Community Action Programs, Inc	MN	$65,848
Hennepin County	MN	$856,260
Mental Health Resources, Inc	MN	$359,042
Three Rivers Community Action, Inc	MN	$175,916
Olmsted County	MN	$134,280
Mental Health Resources, Inc	MN	$173,315
Dakota County	MN	$410,844
Emerge Community Development	MN	$573,312
Emma Norton Services	MN	$136,212
Emma Norton Services	MN	$71,251
Three Rivers Community Action, Inc	MN	$149,665
Range Mental Health Center, Inc	MN	$41,312
Rum River Health Services, Inc	MN	$50,250
Olmsted County Housing & Redevelopment Authority	MN	$124,800
Range Mental Health Center, Inc	MN	$38,638
Minnesota Assistance Council for Veterans	MN	$58,889
Columbia Housing Authority	MO	$319,260
Family Counseling Center, Inc	MO	$124,575
Saint Louis County	MO	$170,091
Community LINC	MO	$110,058
Saint Louis County	MO	$717,228
The Salvation Army—Midland Division	MO	$107,887
North East Community Action Corporation	MO	$109,689
City of St. Louis	MO	$1,221,567
Rose Brooks Center, Inc	MO	$207,967
Ozarks Area Community Action Corporation	MO	$26,655
North East Community Action Corporation	MO	$153,153
Community Missions Corporation	MO	$249,836
Family Self Help Center Inc. d/b/a Lafayette House	MO	$63,000
City of St. Louis	MO	$298,832
The Salvation Army	MO	$236,698
Economic Security Corporation of Southwest Area	MO	$68,603

Recipient	State	Amount
The Salvation Army—Midland Division	MO	$148,882
Jasper County Public Housing Agency	MO	$53,484
City of St. Louis	MO	$1,090,496
City of St. Louis	MO	$158,811
Delta Area Economic Opportunity Corporation	MO	$149,719
Phoenix Programs, Inc	MO	$75,832
Delta Area Economic Opportunity Corporation	MO	$116,657
Burrell, Inc	MO	$436,462
City of St. Joseph	MO	$44,924
Catholic Charities of Kansas City-St. Joseph, Inc	MO	$350,268
Catholic Charities of Kansas City-St. Joseph, Inc	MO	$432,525
Catholic Charities of Kansas City-St. Joseph, Inc	MO	$273,184
Catholic Charities of Kansas City-St. Joseph, Inc	MO	$31,072
Pettis County Community Partnership Inc	MO	$118,207
City of St. Louis	MO	$200,587
Benilde Hall Program	MO	$51,350
Phoenix Programs, Inc	MO	$71,122
High Hope Employment Services, Inc	MO	$42,180
City of St. Louis	MO	$304,723
City of St. Louis	MO	$752,684
The Salvation Army—Midland Division	MO	$80,000
City of Kansas City, Missouri	MO	$36,131
City of St. Louis	MO	$599,565
Missouri Association for Social Welfare	MO	$373,930
Benilde Hall Program	MO	$100,380
High Hope Employment Services, Inc	MO	$74,033
Catholic Charities of Kansas City-St. Joseph, Inc	MO	$38,266
City of St. Louis	MO	$766,669
Church Army, Inc	MO	$68,906
City of St. Louis	MO	$181,335
City of St. Louis	MO	$239,054
Swope Health Services	MO	$185,281
The Salvation Army—Midland Division	MO	$37,450
Missouri Association for Social Welfare	MO	$110,795
Missouri Department of Mental Health	MO	$248,844
Missouri Department of Mental Health	MO	$500,712
City of Kansas City, Missouri	MO	$125,890
Truman Medical Center, Inc	MO	$179,446
Missouri Department of Mental Health	MO	$98,892
Missouri Department of Mental Health	MO	$1,596,996
Missouri Department of Mental Health	MO	$960,960
Families Assisted In Transitional Housing, Inc	MO	$43,647
Missouri Department of Mental Health	MO	$78,084
Missouri Department of Mental Health	MO	$284,640
ReStart, Inc	MO	$124,915
ReStart, Inc	MO	$226,306
ReStart, Inc	MO	$206,817
Economic Security Corporation of Southwest Area	MO	$64,088
Missouri Department of Mental Health	MO	$387,780
Mental Health Association of the Heartland	MO	$64,099
Mid America Assistance Coalition	MO	$43,358
Missouri Department of Mental Health	MO	$323,760
The Housing Authority of Springfield	MO	$116,436
Missouri Department of Mental Health	MO	$1,050,840
Missouri Department of Mental Health	MO	$1,000,800
Missouri Department of Mental Health	MO	$200,820
The Kitchen, Inc	MO	$393,750
The Kitchen, Inc	MO	$79,000
Missouri Department of Mental Health	MO	$639,036
Missouri Department of Mental Health	MO	$1,360,272
Missouri Department of Mental Health	MO	$347,364
Missouri Department of Mental Health	MO	$122,520
Missouri Department of Mental Health	MO	$246,948
Missouri Department of Mental Health	MO	$136,308
Economic Security Corporation of Southwest Area	MO	$38,375
Economic Security Corporation of Southwest Area	MO	$37,426
Phoenix Programs, Inc	MO	$226,220
The Kansas City Metropolitan Lutheran Ministry	MO	$213,515
Johnson County HELP	MO	$110,500
Missouri Department of Mental Health	MO	$169,152
City of Kansas City, Missouri	MO	$199,399
City of Kansas City, Missouri	MO	$114,450
City of Kansas City, Missouri	MO	$24,857
Sheffield Place	MO	$163,079

Recipient	State	Amount
City of Kansas City, Missouri	MO	$32,935
City of Kansas City, Missouri	MO	$133,891
Truman Medical Center, Inc	MO	$518,157
Humanitri	MO	$979,438
Missouri Department of Mental Health	MO	$129,804
Missouri Department of Mental Health	MO	$289,380
Missouri Department of Mental Health	MO	$107,232
Missouri Department of Mental Health	MO	$117,456
City of Kansas City, Missouri	MO	$48,300
Missouri Department of Mental Health	MO	$130,824
Community Caring Council	MO	$186,389
SAVE, Inc	MO	$299,483
SAVE, Inc	MO	$201,153
Missouri Department of Mental Health	MO	$91,596
Multi-County Community Service Agency, Inc	MS	$353,841
Country Oaks Recovery Center	MS	$155,120
Forrest General Hospital	MS	$252,160
Forrest General Hospital	MS	$265,380
AIDS Services Coalition	MS	$132,605
Catholic Charities, Inc	MS	$169,691
South Mississippi AIDS Task Force, Inc	MS	$45,648
Recovery House, Inc	MS	$213,890
The University of Southern Mississippi Institute for Disability Studies	MS	$336,000
Mental Health Association of MS	MS	$27,806
Stewpot Community Services. Inc	MS	$49,392
New Life for Women, Inc	MS	$203,019
Bolivar County Community Action Agency, Inc	MS	$473,287
Recovery House, Inc	MS	$110,245
South Mississippi AIDS Task Force, Inc	MS	$129,046
Pearl River Information & Drug Education, Inc	MS	$23,210
Catholic Charities Inc	MS	$337,924
PTEH, Inc	MS	$118,650
New Dimensions Development Foundation, Inc	MS	$159,238
Gulf Coast Women's Center for Nonviolence, Inc	MS	$48,796
Gulf Coast Women's Center for Nonviolence, Inc	MS	$38,788
Back Bay Mission, Inc	MS	$92,160
Back Bay Mission, Inc	MS	$66,735
Mental Health Association of MS	MS	$62,953
Bolivar County Community Action Agency, Inc	MS	$176,201
Helena Housing Authority	MT	$153,300
Florence Crittenton Home and Services	MT	$124,546
Missoula County	MT	$196,665
Missoula County	MT	$61,579
Poverello Center Inc	MT	$37,467
Missoula County	MT	$102,371
Mountain Home Montana, Inc	MT	$76,798
Mountain Home Montana, Inc	MT	$121,102
Human Recourses Council, District XII	MT	$90,958
Public Housing Authority of Butte	MT	$81,300
Helena Housing Authority	MT	$171,696
Housing Authority of Billings	MT	$89,820
Samaritan House, Inc	MT	$63,000
Missoula Housing Authority	MT	$498,480
God's Love, Inc	MT	$143,305
Supporters of Abuse Free Environments (SAFE), Inc	MT	$34,000
Northwest Montana Human Resources, Inc	MT	$35,769
State of Montana	MT	$66,980
Hospitality House of the Boone Area, Inc	NC	$29,179
Gaston Lincoln Cleveland MH/DD/SA (Pathways)	NC	$40,920
Mecklenburg County Area MH, DD, & SA Authority	NC	$288,408
North Carolina Housing Coalition	NC	$ 8,369
North Carolina Housing Coalition	NC	$462,280
North Carolina Housing Coalition	NC	$10,096
Western North Carolina Community Health Services, Inc	NC	$265,602
Gaston Lincoln Cleveland MH/DD/SA (Pathways)	NC	$122,760
East Carolina Behavioral Health	NC	$265,284
North Carolina Housing Coalition	NC	$52,582
Cumberland Interfaith Hospitality Network	NC	$120,588
North Carolina Housing Coalition	NC	$25,341
Northwestern Housing Enterprises, Incorporated	NC	$33,018
Mecklenburg County	NC	$145,136
Gaston Lincoln Cleveland MH/DD/SA (Pathways)	NC	$318,804
The Salvation Army, a Georgia Corporation	NC	$152,143
Homeward Bound of Asheville, Inc	NC	$182,886

Recipient	State	Amount
Passage Home, INC	NC	$160,393
Mecklenburg County Area MH, DD, & SA Authority	NC	$242,340
Hope Haven Inc	NC	$53,980
Mecklenburg County Area MH, DD, & SA Authority	NC	$44,363
Mecklenburg County Area MH, DD, & SA Authority	NC	$316,764
As One Ministries, Inc	NC	$64,992
The Chrysalis Foundation for Mental Health, Inc	NC	$109,202
Housing for New Hope, Inc	NC	$101,634
Cumberland Interfaith Hospitality Network	NC	$262,736
Hope Haven Inc	NC	$63,000
First Fruit Ministries	NC	$120,716
Hope Haven Inc	NC	$52,867
North Carolina Housing Coalition	NC	$30,000
Housing for New Hope, Inc	NC	$72,450
CenterPoint Human Services	NC	$225,636
Volunteers of America of the Carolinas, Inc	NC	$87,184
The Salvation Army, a Georgia Corporation	NC	$84,426
The Salvation Army, a Georgia Corporation	NC	$35,470
Wake County Human Services	NC	$55,125
Wake County Human Services	NC	$23,904
Wake County Human Services	NC	$858,072
Coastal Horizons Center, Inc	NC	$80,619
With Friends, Inc	NC	$66,458
Cumberland County, NC	NC	$84,134
Hospitality House of the Boone Area, Inc	NC	$31,928
Wilmington Housing Finance and Development Inc	NC	$62,333
Mecklenburg County Area MH, DD, & SA Authority	NC	$1,013,028
Housing Authority of the City of Wilmington	NC	$106,848
Urban Ministries of Durham, Inc	NC	$30,000
Housing for New Hope, Inc	NC	$358,634
Hope Haven Inc	NC	$383,500
Brunswick Family Assistance Agency, Inc	NC	$21,671
Christians United Outreach Center	NC	$43,173
Christians United Outreach Center	NC	$39,111
New River Service Authority	NC	$70,587
CenterPoint Human Services	NC	$53,157
CenterPoint Human Services	NC	$114,420
St. Peter's Homes, Inc	NC	$33,333
Good Shepherd Ministries of Wilmington, Inc. (56–1566178)	NC	$56,073
Youth Focus Inc	NC	$51,700
Salvation Army	NC	$226,646
Alcohol and Drug Services of Guilford, Inc	NC	$34,996
City of Winston-Salem	NC	$56,829
City of Winston-Salem	NC	$90,511
Open Door Ministries of High Point, Inc	NC	$48,919
Cape Fear Housing for Independent Living, Inc	NC	$99,039
Mary's House, Inc	NC	$135,982
The Servant Center, Inc	NC	$47,586
Greensboro Urban Ministry	NC	$27,930
Greensboro Urban Ministry	NC	$31,920
Joseph's House, Inc	NC	$45,247
Family Service of the Piedmont, Inc	NC	$34,276
City of Winston-Salem	NC	$18,355
City of Winston-Salem	NC	$17,670
Open Door Ministries of High Point, Inc	NC	$124,318
Greensboro Housing Authority	NC	$120,804
City of Winston-Salem	NC	$98,122
City of Winston-Salem	NC	$22,575
City of Winston-Salem	NC	$46,475
City of Winston-Salem	NC	$49,614
City of Winston-Salem	NC	$103,500
OPC Mental Health, Developmental Disabilities and Substance	NC	$140,604
Genesis Home, Inc	NC	$221,841
Cleveland County Abuse Prevention Council	NC	$9,286
Greensboro Housing Authority	NC	$477,369
The Salvation Army a Georgia Corporation for the Salvation	NC	$19,274
City of Winston-Salem	NC	$14,663
City of Winston-Salem	NC	$127,476
City of Winston-Salem	NC	$25,000
Alamance-Caswell Area MH/DD/SA Authority	NC	$119,460
City of Winston-Salem	NC	$52,828
Haven House Inc	NC	$53,783
Mountain Youth Resources Inc	NC	$10,176
Opposing Abuse with Service, Information and Shelter	NC	$29,294

Recipient	State	Amount
Five County Mental Health Authority	NC	$173,796
Next Step Ministries, Inc	NC	$37,800
Hospitality House of the Boone Area, Inc	NC	$31,181
City of Winston-Salem	NC	$47,545
City of Winston-Salem	NC	$70,206
Community Link, Programs of Travelers Aid	NC	$238,245
Salvation Army	NC	$87,499
Community Link, Programs of Travelers Aid	NC	$226,122
Piedmont Behavioral Healthcare	NC	$77,436
Cleveland County Abuse Prevention Council	NC	$14,304
Housing Authority of the City of Asheville	NC	$166,404
City of Winston-Salem	NC	$183,792
Graham Housing Authority	NC	$56,328
Sandhills Community Action Program, Inc	NC	$241,484
Community Alternatives for Supportive Abodes	NC	$85,575
Community Alternatives for Supportive Abodes	NC	$50,176
Passage Home, INC	NC	$95,445
OPC Mental Health, Developmental Disabilities and Substance	NC	$125,880
City of Winston-Salem	NC	$185,604
Western Highlands, A Local Management Entity	NC	$263,700
Crossroads Behavioral Healthcare	NC	$38,468
Gaston County Interfaith Hospitality Network, Inc	NC	$38,850
Family Service of the Piedmont, Inc	NC	$35,943
Cleveland County Abuse Prevention Council	NC	$27,321
Cleveland County Abuse Prevention Council	NC	$37,158
Burleigh County Housing Authority	ND	$155,412
Women's Alliance, Inc. DBA: Domestic Violence and Rape Crisis	ND	$37,600
Abused Adult Resource Center	ND	$78,819
Prairie Harvest Human Services Foundation	ND	$84,999
Society of St. Vincent de Paul	ND	$15,277
Young Women's Christian Association, Minot ND	ND	$72,387
Grand Lodge of North Dakota, I.O.O.F	ND	$46,676
North Dakota Association for the Disabled, Inc	ND	$34,184
Community Violence Intervention Center Inc	ND	$95,845
Beyond Shelter, Inc	ND	$48,258
North Dakota Dept. of Commerce	ND	$44,072
Fargo Housing and Redevelopment Authority	ND	$150,000
YWCA Cass Clay	ND	$80,504
Fargo Housing and Redevelopment Authority	ND	$201,420
North Dakota Dept. of Commerce	ND	$101,952
North Dakota Dept. of Commerce	ND	$112,680
YWCA Cass Clay	ND	$134,277
North Dakota Dept. of Commerce	ND	$30,000
Lincoln Action Program	NE	$460,862
The Salvation Army	NE	$146,694
The Salvation Army	NE	$58,020
The Salvation Army	NE	$138,897
Cirrus House, Inc	NE	$46,433
Heartland Family Service	NE	$300,177
St. Monica's	NE	$140,456
Goldenrod Hills Community Action, Inc	NE	$27,171
Stephen Center, Inc	NE	$52,628
Blue Valley Community Action, Inc	NE	$24,677
Community Action Partnership of Mid-Nebraska	NE	$25,643
Heartland Family Service	NE	$314,250
Heartland Family Service	NE	$531,427
Community Action Partnership of Mid-Nebraska	NE	$90,718
Catholic Social Services	NE	$95,658
The Salvation Army	NE	$260,906
Blue Valley Community Action, Inc	NE	$200,502
Care Corps, Inc	NE	$244,135
Northwest Community Action Partnership	NE	$48,561
Community Action of Nebraska	NE	$31,896
Catholic Social Services	NE	$115,148
Hope of Glory Ministries, Inc	NE	$76,822
Rescue Mission d/b/a Open Door Mission	NE	$300,000
Iowa Institute for Community Alliances	NE	$121,537
Panhandle Community Services	NE	$31,880
CenterPointe Inc	NE	$191,797
Central Nebraska Community Services, Inc	NE	$127,085
Central Nebraska Community Services, Inc	NE	$197,437
CEDARS Youth Services	NE	$130,707
CenterPointe Inc	NE	$191,642
CenterPointe Inc	NE	$446,251

Recipient	State	Amount
State of New Hampshire	NH	$173,340
Families in Transition	NH	$67,183
State of New Hampshire	NH	$96,078
My Friend's Place	NH	$54,239
The Way Home, Inc	NH	$63,000
Families in Transition	NH	$111,300
Southern New Hampshire Services, Inc	NH	$36,039
Southern New Hampshire Services, Inc	NH	$32,191
Northern Human Services	NH	$132,011
Harbor Homes, Inc	NH	$50,000
The Way Home, Inc	NH	$47,734
State of New Hampshire	NH	$79,047
State of New Hampshire	NH	$52,838
State of New Hampshire	NH	$42,097
State of New Hampshire	NH	$112,951
State of New Hampshire	NH	$14,154
State of New Hampshire	NH	$80,640
State of New Hampshire	NH	$88,497
State of New Hampshire	NH	$236,866
State of New Hampshire	NH	$68,092
State of New Hampshire	NH	$357,642
State of New Hampshire	NH	$37,497
Marguerite's Place Inc	NH	$58,480
State of New Hampshire	NH	$116,524
State of New Hampshire	NH	$71,766
Families in Transition	NH	$44,000
State of New Hampshire	NH	$287,700
Harbor Homes, Inc	NH	$26,236
State of New Hampshire	NH	$247,279
State of New Hampshire	NH	$99,632
Tri County CAP, Inc	NH	$188,568
Greater Nashua Council on Alcoholism, Inc	NH	$60,083
Behavioral Health & Dev. Serv. of Strafford County, Inc	NH	$85,865
State of New Hampshire	NH	$196,762
Behavioral Health & Dev. Serv. of Strafford County, Inc	NH	$143,815
State of New Hampshire	NH	$72,590
Families in Transition	NH	$122,500
Harbor Homes, Inc	NH	$59,545
Harbor Homes, Inc	NH	$13,466
Harbor Homes, Inc	NH	$56,141
Harbor Homes, Inc	NH	$171,308
Harbor Homes, Inc	NH	$104,440
Harbor Homes, Inc	NH	$873,170
State of New Hampshire	NH	$12,778
Homeless Solutions Inc	NJ	$219,397
Homeless Solutions Inc	NJ	$396,965
Salem County Inter Agency Council of Human Services	NJ	$140,560
County Of Union	NJ	$213,396
Homeless Solutions Inc	NJ	$64,299
New Jersey Department of Military and Veterans Affairs	NJ	$236,783
County Of Union	NJ	$36,120
County Of Union	NJ	$462,300
Township of Irvington	NJ	$250,474
County Of Union	NJ	$613,620
County Of Union	NJ	$16,666
County Of Union	NJ	$331,332
County Of Union	NJ	$49,020
East Orange General Hospital	NJ	$245,600
City of Trenton	NJ	$29,160
County of Bergen	NJ	$85,900
County Of Union	NJ	$160,479
County Of Union	NJ	$13,300
County Of Union	NJ	$58,224
County Of Union	NJ	$94,427
The Doe Fund, Inc	NJ	$918,769
County Of Union	NJ	$99,342
Start Easy Eagle Development, Corp	NJ	$840,000
County Of Union	NJ	$80,657
County Of Union	NJ	$18,654
Start Easy Eagle Development, Corp	NJ	$20,422
Start Easy Eagle Development, Corp	NJ	$56,975
County of Bergen	NJ	$93,068
Lakewood Housing Authority	NJ	$25,830
County Of Union	NJ	$217,714

Recipient	State	Amount
Start Easy Eagle Development, Corp	NJ	$589,076
Lakewood Housing Authority	NJ	$62,040
County of Monmouth	NJ	$177,780
County of Monmouth	NJ	$248,160
County Of Union	NJ	$284,206
Start Easy Eagle Development, Corp	NJ	$661,590
Township of Irvington	NJ	$138,365
County of Monmouth	NJ	$383,952
Start Easy Eagle Development, Corp	NJ	$882,815
County of Monmouth	NJ	$244,860
Ocean's Harbor House	NJ	$19,373
180, Turning Lives Around, Inc	NJ	$122,805
County Of Union	NJ	$26,918
180, Turning Lives Around, Inc	NJ	$142,530
County Of Union	NJ	$573,120
County Of Union	NJ	$25,836
Community Planning and Advocacy Council	NJ	$18,744
Info Line of Middlesex County	NJ	$79,364
Saint Joseph's Home	NJ	$558,534
Housing Authority of Gloucester County	NJ	$30,747
New Jersey Housing and Mortgage Finance Agency	NJ	$56,727
Housing Authority of the Township of Edison	NJ	$530,880
New Jersey Department of Community Affairs	NJ	$156,252
Passaic County Department of Human Services	NJ	$218,163
Passaic County Department of Human Services	NJ	$1,107,720
New Jersey Department of Community Affairs	NJ	$126,828
New Jersey Department of Community Affairs	NJ	$127,320
Let's Celebrate, Inc	NJ	$83,794
New Community Harmony House Corp	NJ	$427,068
Strengthen Our Sisters	NJ	$166,558
New Community Harmony House Corp	NJ	$429,042
Collaborative Support Programs of New Jersey	NJ	$174,540
Collaborative Support Programs of New Jersey	NJ	$303,120
Collaborative Support Programs of New Jersey	NJ	$252,600
Camden County Council On Economic Opportunity, Inc	NJ	$151,169
Cape May County Board of Social Services	NJ	$27,302
Cape May County Board of Social Services	NJ	$29,227
Cape May County Board of Social Services	NJ	$154,800
Camden County Council On Economic Opportunity, Inc	NJ	$181,026
Camden County Council On Economic Opportunity, Inc	NJ	$226,733
Hispanic Multi Purpose Service Center	NJ	$55,939
New Jersey Housing and Mortgage Finance Agency	NJ	$19,970
Vantage Health System, Inc	NJ	$217,402
Vantage Health System, Inc	NJ	$90,896
Burlington County Community Action Program	NJ	$10,667
Burlington County Community Action Program	NJ	$14,172
New Jersey Housing and Mortgage Finance Agency	NJ	$25,000
Warren County Housing Authority	NJ	$41,520
Warren County Housing Authority	NJ	$204,600
New Jersey Housing and Mortgage Finance Agency	NJ	$22,667
New Jersey Department of Community Affairs	NJ	$267,996
New Jersey Housing and Mortgage Finance Agency	NJ	$ 2,000
Housing Authority of the Township of Edison	NJ	$27,336
New Jersey Housing and Mortgage Finance Agency	NJ	$40,656
New Jersey Housing and Mortgage Finance Agency	NJ	$ 3,000
New Jersey Housing and Mortgage Finance Agency	NJ	$2,000
New Jersey Housing and Mortgage Finance Agency	NJ	$2,667
New Jersey Housing and Mortgage Finance Agency	NJ	$2,457
New Jersey Housing and Mortgage Finance Agency	NJ	$2,000
Family Service	NJ	$42,000
Catholic Charities of the Archdiocese of Newark	NJ	$248,664
Catholic Charities of the Archdiocese of Newark	NJ	$160,000
New Jersey Housing and Mortgage Finance Agency	NJ	$25,000
Monmouth Housing Alliance	NJ	$43,923
Interfaith Homeless Outreach Council	NJ	$15,782
Easter Seal Society of New Jersey, Inc	NJ	$455,943
City of Trenton	NJ	$119,484
City of Trenton	NJ	$134,960
City of Trenton	NJ	$136,012
City of Trenton	NJ	$64,995
City of Trenton	NJ	$165,000
City of Trenton	NJ	$131,200
Housing Authority of Bergen County	NJ	$267,360
City of Trenton	NJ	$172,440

Recipient	State	Amount
Easter Seal Society of New Jersey, Inc	NJ	$43,207
Jersey Battered Women's Service, Inc	NJ	$198,137
City of Trenton	NJ	$149,448
City of Trenton	NJ	$ 7,613
City of Trenton	NJ	$387,220
City of Trenton	NJ	$602,280
City of Trenton	NJ	$99,960
Ocean Community Economic Action Now, Inc	NJ	$81,957
Ocean Community Economic Action Now, Inc	NJ	$40,718
Ocean Community Economic Action Now, Inc	NJ	$41,698
City of Trenton	NJ	$28,936
HABcore, Inc	NJ	$172,473
New Jersey Department of Community Affairs	NJ	$69,451
City of Newark	NJ	$810,600
City of Newark	NJ	$843,720
Housing Authority of the Township of Edison	NJ	$137,640
The House of Faith, Inc	NJ	$294,352
AAH of Bergen County, Inc	NJ	$78,925
AAH of Bergen County, Inc	NJ	$88,322
Housing Authority of Bergen County	NJ	$802,080
Catholic Charities, Diocese of Trenton	NJ	$24,861
Isaiah House, Inc	NJ	$134,823
HABcore, Inc	NJ	$81,428
Isaiah House, Inc	NJ	$128,535
Alternatives, Inc	NJ	$101,279
Alternatives, Inc	NJ	$98,478
Alternatives, Inc	NJ	$15,557
Alternatives, Inc	NJ	$63,170
City of East Orange	NJ	$141,264
City of East Orange	NJ	$381,960
St. Philip's Ministry UMC	NJ	$73,446
Easter Seal Society of New Jersey, Inc	NJ	$7,464
Housing Authority of Bergen County	NJ	$534,720
Catholic Charities, Diocese of Trenton	NJ	$69,218
Volunteers Of America Delaware Valley Inc	NJ	$117,344
Comprehensive Behavioral Healthcare Inc	NJ	$110,434
The Dackks Group for Supportive Housing Development, Inc	NJ	$41,335
South Jersey Behavioral Health Resources, Inc	NJ	$54,682
Transitional Housing Services, Inc	NJ	$97,093
New Jersey Department of Community Affairs	NJ	$257,832
New Jersey Department of Community Affairs	NJ	$258,288
New Jersey Department of Community Affairs	NJ	$80,832
New Jersey Department of Community Affairs	NJ	$156,144
Catholic Charities Diocese of Metuchen	NJ	$236,776
Jersey City Episcopal Community Development Corporation	NJ	$391,445
Bergen County Community Action Partnership, Inc	NJ	$92,748
Project Live, Inc	NJ	$826,604
Our Lady of Lourdes Health Foundation, Inc	NJ	$139,488
Vetgroup, Inc	NJ	$20,664
Center For Family Services, Inc	NJ	$35,437
Dooley House Inc	NJ	$223,963
Shelter Our Sisters	NJ	$16,382
The Apostles' House	NJ	$583,751
North Hudson Community Action Corporation	NJ	$404,148
WomenRising	NJ	$644,268
The Center in Asbury Park, Inc	NJ	$184,819
Center For Family Services, Inc	NJ	$67,217
Shelter Our Sisters	NJ	$23,833
Volunteers Of America Delaware Valley Inc	NJ	$167,469
Volunteers Of America Delaware Valley Inc	NJ	$127,875
Volunteers Of America Delaware Valley Inc	NJ	$116,961
Volunteers Of America Delaware Valley Inc	NJ	$86,458
Volunteers Of America Delaware Valley Inc	NJ	$88,970
Bergen County Community Action Partnership, Inc	NJ	$63,702
Center For Family Services, Inc	NJ	$80,849
The Lester A. Behavioral Health Center Inc	NJ	$93,101
Making It Possible to end Homelessness	NJ	$66,499
Counseling and Referral Services of Ocean, Inc	NJ	$345,911
Advance housing, Inc	NJ	$167,735
New Jersey Housing and Mortgage Finance Agency	NJ	$2,560
Bergen County Community Action Partnership, Inc	NJ	$93,712
New Jersey Housing and Mortgage Finance Agency	NJ	$45,028
Making It Possible to end Homelessness	NJ	$168,581
New Jersey Housing and Mortgage Finance Agency	NJ	$85,667

Recipient	State	Amount
New Jersey Housing and Mortgage Finance Agency	NJ	$17,000
Mental Health Association of Morris County, Inc	NJ	$60,060
The Lester A. Behavioral Health Center Inc	NJ	$71,132
The Lester A. Behavioral Health Center Inc	NJ	$68,830
New Jersey Housing and Mortgage Finance Agency	NJ	$ 3,000
New Jersey Housing and Mortgage Finance Agency	NJ	$69,000
New Jersey Housing and Mortgage Finance Agency	NJ	$16,687
New Jersey Housing and Mortgage Finance Agency	NJ	$150,000
Advance housing, Inc	NJ	$78,536
Advance housing, Inc	NJ	$358,255
Career Opportunity Development	NJ	$51,443
Catholic Charities	NM	$241,154
Community Area Resource Enterprise	NM	$315,840
City of Albuquerque	NM	$340,680
City of Albuquerque	NM	$1,074,636
Crossroads for Women	NM	$112,834
Crossroads for Women	NM	$191,940
S.A.F.E. House	NM	$42,096
Catholic Charities	NM	$223,055
Catholic Charities	NM	$51,371
City of Santa Fe	NM	$128,124
Barrett Foundation, Inc	NM	$97,447
City of Santa Fe	NM	$214,056
City of Santa Fe	NM	$214,848
Curry County New Mexico	NM	$122,760
Casa Milagro	NM	$246,750
El Refugio, Inc	NM	$198,450
Catholic Charities	NM	$202,692
Supportive Housing Coalition of New Mexico	NM	$225,172
The DreamTree Project, Inc	NM	$234,410
St. Martin's Hospitality Center	NM	$115,500
Transitional Living Services, Inc	NM	$276,300
Transitional Living Services, Inc	NM	$105,000
City of Albuquerque	NM	$895,822
Barrett Foundation, Inc	NM	$23,780
Sandoval County	NM	$212,184
Goodwill Industries of New Mexico	NM	$114,866
City of Albuquerque	NM	$223,709
City of Las Cruces, New Mexico	NM	$330,720
City of Las Cruces, New Mexico	NM	$311,353
City of Las Cruces, New Mexico	NM	$98,424
Albuquerque HealthCare for the Homeless, Inc	NM	$135,267
Sandoval County	NM	$430,680
Santa Fe Community Services, Inc	NM	$164,241
Saint Elizabeth Shelter Corporation	NM	$189,598
Supportive Housing Coalition of New Mexico	NM	$171,226
Lutheran Social Services of Nevada	NV	$104,556
The Salvation Army, Clark County, Nevada	NV	$859,899
State of Nevada	NV	$856,188
State of Nevada	NV	$279,168
Family Promise of Las Vegas	NV	$848,967
United States Veterans Initiative	NV	$361,668
HELP of Southern Nevada	NV	$618,478
State of Nevada	NV	$176,112
United States Veterans Initiative	NV	$164,509
ReStart	NV	$110,292
Douglas County	NV	$266,898
Northern Nevada Adult Mental Health Services	NV	$451,356
ReStart	NV	$320,086
Henderson Allied Community Advocates	NV	$324,113
Northern Nevada Community Housing Resource Board	NV	$51,955
HELP Las Vegas Housing Corporation II	NV	$311,561
ReStart	NV	$69,400
Department of Health and Human Services	NV	$232,716
The Shade Tree, Inc	NV	$250,608
The Shade Tree, Inc	NV	$164,328
St. Vincent HELP Inc	NV	$173,758
St. Vincent HELP Inc	NV	$101,508
ReStart	NV	$511,902
The Municipal Housing Authority for the City of Yonkers	NY	$15,365
Phase Piggy Back Inc	NY	$305,947
The Municipal Housing Authority for the City of Yonkers	NY	$48,729
The Municipal Housing Authority for the City of Yonkers	NY	$32,333
The Municipal Housing Authority for the City of Yonkers	NY	$102,274

Recipient	State	Amount
The Municipal Housing Authority for the City of Yonkers	NY	$26,978
Damon House New York, Inc	NY	$262,479
City of Mount Vernon (NY)	NY	$146,293
Catholic Charities of Chemung/Schuyler	NY	$187,068
Legal Services of the Hudson Valley	NY	$52,753
Institute for Community Living, Inc	NY	$181,207
Nassau-Suffolk Coalition for the Homeless	NY	$70,000
Steuben Churchpeople Against Poverty, Inc	NY	$68,137
Cazenovia Recovery Systems, Inc	NY	$887,619
Cazenovia Recovery Systems, Inc	NY	$633,217
Family Residences and Essential Enterprises, Inc	NY	$63,776
Institute for Community Living, Inc	NY	$230,945
City of Mount Vernon (NY)	NY	$43,260
City of Mount Vernon (NY)	NY	$33,273
Institute for Community Living, Inc	NY	$109,319
The Municipal Housing Authority for the City of Yonkers	NY	$180,713
The Rescue Mission Alliance of Syracuse, NY	NY	$100,000
City of Mount Vernon (NY)	NY	$30,450
The Municipal Housing Authority for the City of Yonkers	NY	$237,619
The Municipal Housing Authority for the City of Yonkers	NY	$403,056
The Municipal Housing Authority for the City of Yonkers	NY	$46,034
The Municipal Housing Authority for the City of Yonkers	NY	$73,049
Catholic Charities of Chemung/Schuyler	NY	$47,321
Greyston Health Services, Inc	NY	$251,111
Catherine McAuley Housing	NY	$118,692
Catholic Charities of Chemung/Schuyler	NY	$103,357
Young Women's Christian Association of Syracuse & Onondaga C	NY	$165,768
The Municipal Housing Authority for the City of Yonkers	NY	$66,474
Phase Piggy Back Inc	NY	$137,838
Institute for Community Living, Inc	NY	$126,395
Institute for Community Living, Inc	NY	$240,060
YMCA of Greater New York	NY	$570,505
Argus Community, Inc	NY	$430,101
Argus Community, Inc	NY	$370,278
United Bronx Parents, Inc	NY	$419,528
Corporation for AIDS Research, Education and Services, Inc	NY	$33,333
Corporation for AIDS Research, Education and Services, Inc	NY	$25,000
Corporation for AIDS Research, Education and Services, Inc	NY	$16,667
Corporation for AIDS Research, Education and Services, Inc	NY	$18,375
Rockland County, New York	NY	$74,000
Housing Options Made Easy, Inc	NY	$62,610
Catholic Charities Diocese of Rockville Centre	NY	$190,665
Anchor House, Inc	NY	$240,648
Lenox Hill Neighborhood House	NY	$285,998
Housing Options Made Easy, Inc	NY	$45,515
Housing Options Made Easy, Inc	NY	$57,265
Spanish Action League of Onondaga County, Inc	NY	$33,247
The Bridge, Inc	NY	$304,581
Housing Options Made Easy, Inc	NY	$108,053
Troy Housing Authority	NY	$241,332
Corporation for AIDS Research, Education and Services, Inc	NY	$34,666
Lower Eastside Service Center, Inc	NY	$492,100
Banana Kelly Improvement Assoc Inc	NY	$386,525
FACES NY, Inc	NY	$133,913
Legal Aid Society of Northeastern New York	NY	$30,120
Legal Aid Society of Northeastern New York	NY	$35,595
Legal Aid Society of Northeastern New York	NY	$33,183
Equinox, Inc	NY	$98,211
Equinox, Inc	NY	$63,675
Eastman Commons Community, Inc	NY	$300,000
Argus Community, Inc	NY	$371,322
Glens Falls Housing Authority	NY	$38,280
FACES NY, Inc	NY	$152,092
Equinox, Inc	NY	$82,363
Cattaraugus Community Action, Inc	NY	$94,315
Goddard Riverside Community Center	NY	$169,644
Goddard Riverside Community Center	NY	$280,889
Goddard Riverside Community Center	NY	$96,657
Goddard Riverside Community Center	NY	$153,696
FACES NY, Inc	NY	$184,553
The Bridge, Inc	NY	$112,163
Equinox, Inc	NY	$84,921
Department of Community Mental Health	NY	$216,060
West Side Federation for Senior and Supportive Housing, Inc	NY	$110,205

Recipient	State	Amount
West Side Federation for Senior and Supportive Housing, Inc	NY	$362,197
Department of Community Mental Health	NY	$978,456
Department of Community Mental Health	NY	$1,007,880
Department of Community Mental Health	NY	$1,271,568
Department of Community Mental Health	NY	$711,552
Department of Community Mental Health	NY	$468,552
Rockland County, New York	NY	$217,622
Department of Community Mental Health	NY	$592,512
Rural Opportunities, Inc	NY	$65,450
Department of Community Mental Health	NY	$1,009,080
Basics, Inc	NY	$353,208
American Red Cross	NY	$676,278
Institute for Community Living, Inc	NY	$26,496
Institute for Community Living, Inc	NY	$315,787
Institute for Community Living, Inc	NY	$377,444
Institute for Community Living, Inc	NY	$672,657
Institute for Community Living, Inc	NY	$126,394
Department of Community Mental Health	NY	$229,008
Troy Housing Authority	NY	$127,980
The Bridge, Inc	NY	$101,909
The Bridge, Inc	NY	$366,262
The Bridge, Inc	NY	$115,431
The Bridge, Inc	NY	$224,339
Albany Housing Coalition, Inc	NY	$38,252
Albany Housing Coalition, Inc	NY	$63,503
Albany Housing Coalition, Inc	NY	$43,155
Albany Housing Coalition, Inc	NY	$21,000
West Side Federation for Senior and Supportive Housing, Inc	NY	$155,715
Albany Housing Coalition, Inc	NY	$29,970
Rural Opportunities, Inc	NY	$16,687
Troy Housing Authority	NY	$54,432
Troy Housing Authority	NY	$98,784
Bowery Residents' Committee, Inc	NY	$360,106
Troy Housing Authority	NY	$222,840
The Salvation Army	NY	$747,810
Project Hospitality, Inc	NY	$371,843
Columba Kavanagh House, Inc	NY	$388,163
Institute for Community Living, Inc	NY	$141,627
University Consultation & Treatment Center for Mental Hygiene	NY	$244,998
Citizens Advice Bureau	NY	$1,202,514
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	$83,332
Bridge Back Recovery Homes, Inc	NY	$313,584
Federation Employment and Guidance Service, Inc	NY	$676,767
Federation Employment and Guidance Service, Inc	NY	$595,000
Federation Employment and Guidance Service, Inc	NY	$238,319
Federation Employment and Guidance Service, Inc	NY	$582,961
Federation Employment and Guidance Service, Inc	NY	$558,906
The Educational Alliance, Inc	NY	$224,210
The Educational Alliance, Inc	NY	$240,318
Unity Health System	NY	$508,560
H.O.M.E.E. Clinic, Inc	NY	$131,936
Comunilife, Inc	NY	$644,121
Nassau/Suffolk Law Services Committee, Inc	NY	$54,090
Citizens Advice Bureau	NY	$105,000
Nassau/Suffolk Law Services Committee, Inc	NY	$69,616
United Cerebral Palsy and Handicapped Persons Association	NY	$175,085
Community Housing Innovations, Inc	NY	$109,698
Community Housing Innovations, Inc	NY	$137,844
Community Housing Innovations, Inc	NY	$178,627
Community Housing Innovations, Inc	NY	$168,638
Community Housing Innovations, Inc	NY	$70,316
Community Housing Innovations, Inc	NY	$166,684
Family Service League, Inc	NY	$92,344
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	$431,954
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	$50,263
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	$67,051
Housing Works, Inc	NY	$333,635
Comunilife, Inc	NY	$670,283
Suburban Housing Development & Research, Inc	NY	$42,000
Rochester Housing Authority	NY	$978,000
MTI Residential Services Inc	NY	$173,820
MTI Residential Services Inc	NY	$217,003
MTI Residential Services Inc	NY	$165,608
MTI Residential Services Inc	NY	$155,595

Recipient	State	Amount
Altamont Program, Inc	NY	$31,150
SAFE Inc., of Schenectady	NY	$48,267
Onondaga Case Management Services, Inc	NY	$234,486
Community Access, Inc	NY	$404,974
Regional Economic Community Action Program, Inc	NY	$72,376
Regional Economic Community Action Program, Inc	NY	$65,809
Newark Housing Development Corporation	NY	$104,011
Nassau/Suffolk Law Services Committee, Inc	NY	$69,616
Kenmore Housing Development Fund Corp	NY	$390,576
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	$87,866
Common Ground Community IV HDFC	NY	$141,382
Common Ground Community IV HDFC	NY	$416,468
HELP Suffolk Inc	NY	$127,897
H.E.L.P. Equity Homes, Inc	NY	$165,915
H.E.L.P. Equity Homes, Inc	NY	$132,720
Community Action for Human Services, Inc	NY	$129,207
Central New York Services, Inc	NY	$290,154
Central New York Services, Inc	NY	$87,500
Central New York Services, Inc	NY	$100,000
HELP Social Service Corporation	NY	$703,958
HELP Social Service Corporation	NY	$791,172
HELP Social Service Corporation	NY	$1,008,349
Suburban Housing Development & Research, Inc	NY	$123,680
East New York Urban Youth Corps, Inc	NY	$96,756
Catholic Charities of the Roman Catholic Diocese of Syracuse	NY	$313,012
NYC Department of Housing Preservation and Development	NY	$828,240
NYC Department of Housing Preservation and Development	NY	$591,600
NYC Department of Housing Preservation and Development	NY	$1,005,720
NYC Department of Housing Preservation and Development	NY	$367,200
NYC Department of Housing Preservation and Development	NY	$458,220
Safe Space NYC Inc	NY	$225,610
Good Shepherd Services	NY	$414,000
Project Renewal, Inc	NY	$670,770
Project Renewal, Inc	NY	$428,982
Project Renewal, Inc	NY	$532,669
Project Renewal, Inc	NY	$409,798
NYC Department of Housing Preservation and Development	NY	$851,904
Community Action For Human Services, Inc	NY	$436,241
NYC Department of Housing Preservation and Development	NY	$345,600
Homeless Action Committee, Inc	NY	$69,974
Homeless Action Committee, Inc	NY	$79,747
Child & Family Services of Erie County	NY	$25,306
Syracuse Housing Authority	NY	$1,815,372
Syracuse Housing Authority	NY	$747,504
Metropolitan Council on Jewish Poverty	NY	$99,942
Bethesda House of Schenectady, Inc	NY	$144,702
Bethesda House of Schenectady, Inc	NY	$126,617
Bethesda House of Schenectady, Inc	NY	$48,083
Bethesda House of Schenectady, Inc	NY	$22,300
Bethesda House of Schenectady, Inc	NY	$63,564
Bethesda House of Schenectady, Inc	NY	$152,738
Project Renewal, Inc	NY	$328,300
NYC Department of Housing Preservation and Development	NY	$508,776
Urban Justice Center	NY	$109,686
Urban Justice Center	NY	$142,711
Pibly Residential Programs, Inc	NY	$463,234
Covenant House New York/Under 21, Inc	NY	$129,654
Covenant House New York/Under 21, Inc	NY	$376,444
Covenant House New York/Under 21, Inc	NY	$166,948
Covenant House New York/Under 21, Inc	NY	$594,542
Covenant House New York/Under 21, Inc	NY	$177,978
Covenant House New York/Under 21, Inc	NY	$504,647
Covenant House New York/Under 21, Inc	NY	$419,148
Ecclesia Ministries of Newburgh, Inc	NY	$62,952
Neighborhood Legal Services, Inc	NY	$77,476
NYC Department of Housing Preservation and Development	NY	$544,272
NYC Department of Housing Preservation and Development	NY	$360,000
Housing Works, Inc	NY	$469,535
NYC Department of Housing Preservation and Development	NY	$473,280
NYC Department of Housing Preservation and Development	NY	$757,992
NYC Department of Housing Preservation and Development	NY	$672,000
NYC Department of Housing Preservation and Development	NY	$388,800
NYC Department of Housing Preservation and Development	NY	$367,200
NYC Department of Housing Preservation and Development	NY	$759,996

Recipient	State	Amount
NYC Department of Housing Preservation and Development	NY	$289,680
NYC Department of Housing Preservation and Development	NY	$369,600
NYC Department of Housing Preservation and Development	NY	$311,040
NYC Department of Housing Preservation and Development	NY	$423,636
NYC Department of Housing Preservation and Development	NY	$464,400
NYC Department of Housing Preservation and Development	NY	$591,600
NYC Department of Housing Preservation and Development	NY	$272,136
NYS Office of Mental Health	NY	$161,880
Mental Health Association of New York City, Inc	NY	$291,244
City of Mount Vernon (NY)	NY	$49,749
Bowery Residents' Committee, Inc	NY	$497,954
Bowery Residents' Committee, Inc	NY	$511,358
Bowery Residents' Committee, Inc	NY	$368,496
Bowery Residents' Committee, Inc	NY	$318,891
Bowery Residents' Committee, Inc	NY	$364,883
Bowery Residents' Committee, Inc	NY	$355,001
Hillside Children's Center	NY	$157,500
Weston United Community Renewal	NY	$224,900
Community Lantern Corp	NY	$630,000
City of Schenectady	NY	$123,600
Heritage Health and Housing, Inc	NY	$249,494
Mental Health Association in Ulster County Inc	NY	$58,209
Rochester Housing Authority	NY	$1,957,992
NYS Office of Mental Health	NY	$212,472
NYS Office of Mental Health	NY	$477,372
The Fortune Society, Inc	NY	$448,157
NYS Office of Mental Health	NY	$370,020
NYS Office of Mental Health	NY	$167,784
NYS Office of Mental Health	NY	$555,720
NYS Office of Mental Health	NY	$283,320
Bailey House Inc	NY	$629,300
NYS Office of Mental Health	NY	$343,560
NYS Office of Mental Health	NY	$210,728
NYS Office of Mental Health	NY	$117,828
Housing Works, Inc	NY	$286,535
City of Schenectady	NY	$61,800
Unity House of Troy, Inc	NY	$183,170
The Salvation Army	NY	$99,999
The Salvation Army	NY	$51,428
The Salvation Army	NY	$115,449
The Salvation Army	NY	$83,703
The Salvation Army	NY	$236,697
The Salvation Army	NY	$52,789
The Salvation Army	NY	$221,056
Joseph's House and Shelter, Inc	NY	$70,000
Joseph's House and Shelter, Inc	NY	$55,491
Joseph's House and Shelter, Inc	NY	$61,493
Saratoga County Rural Preservation Company	NY	$43,418
Capital Area Peer Services	NY	$96,017
YWCA of Troy-Cohoes	NY	$76,958
Unity House of Troy, Inc	NY	$625,830
Mental Health Association of New York City, Inc	NY	$584,272
Unity House of Troy, Inc	NY	$187,131
Adirondack Vets House, Inc	NY	$75,417
Homeless and Travelers Aid Society of the Capital District,	NY	$186,957
Homeless and Travelers Aid Society of the Capital District,	NY	$80,523
Federation of Organizations for the New York State Mentally	NY	$46,235
Federation of Organizations for the New York State Mentally	NY	$100,849
Federation of Organizations for the New York State Mentally	NY	$45,269
YWCA of Western New York	NY	$500,227
Rochester Housing Authority	NY	$185,172
Rochester Housing Authority	NY	$390,936
Rochester Housing Authority	NY	$872,748
Rochester Housing Authority	NY	$89,544
Unity House of Troy, Inc	NY	$61,454
United Veterans Beacon House, Inc	NY	$136,099
NYS Office of Mental Health	NY	$95,544
Options for Independence	NY	$79,540
Liberty Resources, Inc	NY	$63,355
Erie County Department of Mental Health	NY	$291,592
Erie County Department of Mental Health	NY	$343,657
Erie County Department of Mental Health	NY	$296,076
Erie County Department of Mental Health	NY	$166,008
Erie County Department of Mental Health	NY	$309,888

Recipient	State	Amount
Erie County Department of Mental Health	NY	$686,616
Society of St. Vincent de Paul, Diocesan Council of RVC	NY	$154,509
Urban Resource Institute	NY	$250,294
Erie County Department of Mental Health	NY	$857,748
Erie County Department of Mental Health	NY	$174,190
Violence Intervention Program, Inc	NY	$324,920
Erie County Department of Mental Health	NY	$218,790
Pathways to Housing Inc	NY	$154,015
Family of Woodstock, Inc	NY	$91,667
Pathways to Housing Inc	NY	$584,268
Pathways to Housing Inc	NY	$426,777
Pathways to Housing Inc	NY	$538,701
Pathways to Housing Inc	NY	$274,156
Allegany County Community Opportunities & Rural Development	NY	$158,290
Gateway Community Industries, Inc	NY	$45,120
Gateway Community Industries, Inc	NY	$70,350
Gateway Community Industries, Inc	NY	$41,307
Gateway Community Industries, Inc	NY	$91,069
Housing + Solutions	NY	$156,549
Neighborhood Coalition for Shelter	NY	$243,070
Harlem United Community AIDS Center	NY	$364,817
NYS Office of Mental Health	NY	$65,736
NYS Office of Mental Health	NY	$148,872
NYS Office of Mental Health	NY	$324,564
NYS Office of Mental Health	NY	$165,072
NYS Office of Mental Health	NY	$37,944
NYS Office of Mental Health	NY	$96,408
NYS Office of Mental Health	NY	$241,020
NYS Office of Mental Health	NY	$107,268
Mohawk Opportunities, Inc	NY	$125,347
NYS Office of Mental Health	NY	$321,360
NYS Office of Mental Health	NY	$192,816
Options for Community Living, Inc	NY	$80,562
Oneida County Workforce Development	NY	$39,900
Options for Community Living, Inc	NY	$86,707
The Salvation Army	NY	$163,244
County of Nassau Economic Development Office of Housing & Iowa	NY	$354,968
Education & Assistance Corporation	NY	$107,140
Nassau County Coalition Against Domestic Violence	NY	$122,356
Nassau County Coalition Against Domestic Violence	NY	$136,603
Helping Hands Unlimited	NY	$160,886
South shore Association for Independent Living, Inc	NY	$148,713
South shore Association for Independent Living, Inc	NY	$225,038
South shore Association for Independent Living, Inc	NY	$92,922
Erie County Department of Mental Health	NY	$1,001,543
Erie County Department of Mental Health	NY	$243,625
Erie County Department of Mental Health	NY	$416,911
Erie County Department of Mental Health	NY	$154,523
Foundation for Research on Sexually Transmitted Diseases	NY	$871,533
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$214,680
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$79,896
Syracuse Brick House Inc	NY	$187,426
Transitional Services Association, Inc	NY	$34,721
Syracuse Brick House Inc	NY	$221,092
Syracuse Brick House Inc	NY	$83,988
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$118,248
Schenectady Community Action Program, Inc	NY	$163,073
Wayne County Action Program, Inc	NY	$22,256
Chadwick Residence, Inc	NY	$31,957
Palladia, Inc	NY	$458,882
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$465,324
Warren Washington Association for Mental Health	NY	$78,200
Syracuse Brick House Inc	NY	$111,286
Syracuse Brick House Inc	NY	$105,256
Catholic Charities of Rochester dba Catholic Family Center	NY	$394,636
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$212,676
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$197,712
Palladia, Inc	NY	$492,830
Palladia, Inc	NY	$158,957
Palladia, Inc	NY	$556,583
Palladia, Inc	NY	$830,975
Palladia, Inc	NY	$265,599
Palladia, Inc	NY	$265,060
Palladia, Inc	NY	$282,790

Recipient	State	Amount
Women In Need, Inc	NY	$363,711
Orange County	NY	$65,736
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$202,488
Women In Need, Inc	NY	$446,787
Coalition for the Homeless	NY	$375,786
Lutheran Social Services of New York	NY	$210,000
Women In Need, Inc	NY	$326,070
Emergency Housing Group, Inc	NY	$62,049
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$126,372
Southern Tier Environments for Living, Inc	NY	$56,516
Cayuga/Seneca Community Action Agency, Inc	NY	$59,870
Lutheran Social Services of New York	NY	$397,950
Hudson River Housing, Inc	NY	$42,182
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$184,080
Syracuse Brick House Inc	NY	$95,899
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$343,512
Catholic Charities of Rochester dba Catholic Family Center	NY	$493,882
Support Ministries, Inc	NY	$112,137
Support Ministries, Inc	NY	$91,705
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$105,312
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$200,880
Crystal Run Village, Inc	NY	$137,029
Syracuse Brick House Inc	NY	$95,252
Rehabilitation Support Services	NY	$104,372
Domestic Violence and Rape Crisis Services of Saratoga Count	NY	$73,094
Domestic Violence and Rape Crisis Services of Saratoga Count	NY	$60,417
Domestic Violence and Rape Crisis Services of Saratoga Count	NY	$36,607
Domestic Violence and Rape Crisis Services of Saratoga Count	NY	$114,536
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$121,260
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$417,168
Palladia, Inc	NY	$704,884
Veritas Therapeutic Community Inc	NY	$273,347
Steuben County	NY	$213,132
Samaritan Village, Inc	NY	$183,750
Steuben County	NY	$201,060
Interfaith Partnership for the Homeless	NY	$53,683
Interfaith Partnership for the Homeless	NY	$222,210
Heritage Health and Housing, Inc	NY	$159,935
City of Mount Vernon (NY)	NY	$172,875
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$202,944
Rehabilitation Support Services	NY	$60,119
Veritas Therapeutic Community Inc	NY	$102,678
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$140,172
Newburgh Interfaith Emergency Housing Inc	NY	$105,055
Family Nurturing Center of Central New York Inc	NY	$105,810
Rehabilitation Support Services, Inc	NY	$69,894
Samaritan Village, Inc	NY	$342,709
John Heuss Corporation	NY	$77,030
Rehabilitation Support Services	NY	$66,381
Women In Need, Inc	NY	$405,062
Community Services for the Developmentally Disabled, Inc	NY	$269,043
Women In Need, Inc	NY	$327,681
Behavioral Health Services North	NY	$ 6,485
Behavioral Health Services North	NY	$ 6,301
Chautauqua Opportunities, Inc	NY	$21,667
Jewish Board of Family and Children's Services, Inc	NY	$415,395
Westchester County Dept. of Social Services	NY	$59,799
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$309,264
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$230,592
Services for the UnderServed, Inc	NY	$141,516
Services for the UnderServed, Inc	NY	$74,812
Services for the UnderServed, Inc	NY	$536,347
Services for the UnderServed, Inc	NY	$588,490
Services for the UnderServed, Inc	NY	$404,203
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$102,144
Services for the UnderServed, Inc	NY	$345,362
Schenectady Community Action Program, Inc	NY	$165,905
Westchester County Dept. of Social Services	NY	$48,530
El Regreso Foundation	NY	$253,855
Community, Counseling, & Mediation	NY	$232,181
Y.W.C.A. of the Mohawk Valley	NY	$354,107
Westchester County Dept. of Social Services	NY	$30,000
Westchester County Dept. of Social Services	NY	$100,000
Westchester County Dept. of Social Services	NY	$205,485

Recipient	State	Amount
Newburgh Community Improvement Corporation	NY	$75,211
CAMBA, inc	NY	$166,666
Women In Need, Inc	NY	$265,059
Community, Counseling, & Mediation	NY	$238,951
Chadwick Residence, Inc	NY	$188,720
Independent Living, Inc	NY	$129,885
Franklin County Community Housing Council, Inc	NY	$52,505
City of Saratoga Springs	NY	$246,096
Westchester County Dept. of Social Services	NY	$121,776
Vocational Instruction Project Community Services, Inc	NY	$90,017
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$135,420
Unity Health System	NY	$960,899
Unity Health System	NY	$123,661
Mental Health Association in Orange County, Inc	NY	$248,409
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$715,452
Albany Housing Authority	NY	$108,036
Association to Benefit Children	NY	$115,706
Tompkins Community Action	NY	$60,126
Tompkins Community Action	NY	$84,713
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$257,544
Albany Housing Authority	NY	$226,824
CUCS, Inc	NY	$238,140
Albany Housing Authority	NY	$147,492
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$311,520
Albany Housing Authority	NY	$42,660
The Doe Fund, Inc	NY	$356,173
The Doe Fund, Inc	NY	$1,951,512
The Doe Fund, Inc	NY	$1,062,269
Vocational Instruction Project Community Services, Inc	NY	$278,854
CUCS, Inc	NY	$1,302,539
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$151,608
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$113,916
CUCS, Inc	NY	$298,736
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$491,844
CUCS, Inc	NY	$199,999
Jericho Project	NY	$49,671
County of Dutchess	NY	$164,340
Heritage Health and Housing, Inc	NY	$330,486
Heritage Health and Housing, Inc	NY	$110,528
Brooklyn Bureau of Community Service	NY	$249,674
MOMMAS, Inc	NY	$63,657
Brooklyn Bureau of Community Service	NY	$474,924
County of Dutchess	NY	$41,020
County of Dutchess	NY	$68,184
County of Dutchess	NY	$36,658
County of Dutchess	NY	$124,824
Niagara County Department of Social Services	NY	$5,143
Restoration Society, Inc	NY	$220,280
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$126,048
County of Dutchess	NY	$54,250
Praxis Housing Initiatives, Inc	NY	$800,633
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$182,928
Grace Smith House, Inc	NY	$11,210
Grace Smith House, Inc	NY	$18,385
Public Health Solutions	NY	$728,535
Urban Pathways, Inc	NY	$174,673
Urban Pathways, Inc	NY	$357,451
Ali Forney Center	NY	$438,598
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$187,272
Urban Pathways, Inc	NY	$149,030
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$283,200
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$141,600
Filllmore-Leroy Area Residents, Inc	NY	$67,417
County of Dutchess	NY	$81,588
Schenectady Municipal Housing Authority	NY	$450,684
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$78,552
COLUMBIA OPPORTUNITIES INCORPORATED	NY	$2,145
Postgraduate Center for Mental Health	NY	$472,677
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$80,688
Fountain House, Inc	NY	$639,296
Fountain House, Inc	NY	$144,712
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$189,144
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$158,832
Oneida County Department of Mental Health	NY	$37,483

Recipient	State	Amount
Safe Harbors of the Hudson, Inc	NY	$157,500
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$423,372
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$107,664
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$140,304
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$710,568
Women In Need, Inc	NY	$325,270
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$226,560
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$222,408
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$218,688
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$189,936
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$209,316
CUCS, Inc	NY	$226,800
CUCS, Inc	NY	$103,950
Council of Alcohol and Drug Abuse of Sullivan County	NY	$147,123
Hudson River Housing, Inc	NY	$138,842
Oneida County Department of Mental Health	NY	$185,034
Council of Alcohol and Drug Abuse of Sullivan County	NY	$39,896
Oneida County Department of Mental Health	NY	$14,927
Ali Forney Center	NY	$527,857
COLUMBIA OPPORTUNITIES INCORPORATED	NY	$29,934
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$201,432
Vocational Instruction Project Community Services, Inc	NY	$227,666
Meridian Services, Inc	OH	$71,890
Stark Metropolitan Housing Authority	OH	$326,880
Meridian Services, Inc	OH	$124,640
Independent Living Options, Inc	OH	$167,187
300 Beds, Inc./Harbor House	OH	$117,551
Miami Valley Housing Opportunities, Inc	OH	$50,364
Family Violence Prevention Center of Greene County, Inc	OH	$56,293
Meridian Services, Inc	OH	$136,786
H. M. Life Opportunity Services	OH	$68,067
H. M. Life Opportunity Services	OH	$169,140
Info Line, Inc	OH	$479,390
Greene Metropolitan Housing Authority	OH	$142,164
Lake County Alcohol, Drug Addiction and Mental Health Services	OH	$172,800
Family Violence Prevention Center of Greene County, Inc	OH	$66,761
YWCA of Hamilton Ohio Inc	OH	$119,320
Lake County Alcohol, Drug Addiction and Mental Health Services	OH	$738,360
H. M. Life Opportunity Services	OH	$48,218
YMCA of Greater Cleveland	OH	$905,203
Young Women's Christian Association of Canton	OH	$47,951
Young Women's Christian Association of Canton	OH	$47,957
Beatitude House	OH	$141,334
Young Women's Christian Association	OH	$162,559
Knox Metropolitan Housing Authority	OH	$280,800
Young Women's Christian Association	OH	$99,015
Knox Metropolitan Housing Authority	OH	$210,600
Beatitude House	OH	$134,917
Community Action Commission of Fayette County	OH	$64,914
ACCESS, Inc	OH	$118,711
Mental Health and Recovery Services Board of Lucas County	OH	$590,280
YMCA of Greater Cleveland	OH	$187,351
Meridian Services, Inc	OH	$113,300
Columbiana Metropolitan Housing Authority	OH	$29,340
Columbiana Metropolitan Housing Authority	OH	$29,340
Warren Metropolitan Housing Authority	OH	$390,159
Warren Metropolitan Housing Authority	OH	$184,574
Mental Health and Recovery Services Board of Lucas County	OH	$241,752
Stark Metropolitan Housing Authority	OH	$207,720
Stark Metropolitan Housing Authority	OH	$211,680
Stark Metropolitan Housing Authority	OH	$169,920
Independent Living Options, Inc	OH	$905,244
Stark Metropolitan Housing Authority	OH	$190,680
Beatitude House	OH	$71,251
Lorain Metropolitan Housing Authority	OH	$490,704
MRMTOAP, Inc	OH	$32,555
St. Vincent Hotel, Inc	OH	$106,910
Neighborhood Properties, Inc	OH	$73,976
St. Vincent Hotel, Inc	OH	$181,200
Aurora Project, Inc	OH	$103,773
Cleveland Housing Network, Inc	OH	$119,627
Butler County, Ohio	OH	$554,400
Springfield District Council of the St. Vincent de Paul Society	OH	$23,040
National Church Residences	OH	$250,092

Recipient	State	Amount
PLACES, Inc	OH	$71,081
Pickaway County Community Action Organization, Inc	OH	$123,145
Ohio Valley Goodwill Industries Rehabilitation Center, Inc	OH	$856,787
Licking Metropolitan Housing Authority	OH	$192,252
Cuyahoga Metropolitan Housing Authority	OH	$386,373
Jefferson County Prevention and Recovery Board	OH	$227,040
Family Abuse Shelter of Miami County, Inc	OH	$16,000
Family Abuse Shelter of Miami County, Inc	OH	$42,000
Columbiana County Mental Health Clinic dba The Counseling Center	OH	$36,667
Transitional Housing, Inc	OH	$122,529
Volunteers of America Northwest Ohio, Inc	OH	$420,000
Volunteers of America Northwest Ohio, Inc	OH	$286,661
Volunteers of America Northwest Ohio, Inc	OH	$291,955
City of Dayton, Ohio	OH	$1,412,280
New Sunrise Properties, Inc	OH	$28,137
ICAN Inc	OH	$46,856
Mercy Manor	OH	$101,718
Legacy III	OH	$139,099
Legacy III	OH	$404,714
Mental Health, Drug and Alcohol Services Board	OH	$40,348
City of Dayton, Ohio	OH	$427,032
PLACES, Inc	OH	$202,096
Geauga County Board of Mental Health & Recovery Services	OH	$85,776
PLACES, Inc	OH	$735,220
Lutheran Metropolitan Ministry	OH	$50,157
Ohio Valley Goodwill Industries Rehabilitation Center, Inc	OH	$878,736
ICAN Inc	OH	$48,134
Community Housing Network, Inc	OH	$87,316
PLACES, Inc	OH	$288,021
Alliance for Children & Families	OH	$129,130
Miami Valley Housing Opportunities, Inc	OH	$174,394
City of Toledo, Department of Neighborhoods	OH	$95,400
Volunteers of America of Greater Ohio	OH	$357,325
Community Action Partnership of the Greater Dayton Area	OH	$56,371
Miami Valley Housing Opportunities, Inc	OH	$428,507
Miami Valley Housing Opportunities, Inc	OH	$127,106
Neighborhood Properties, Inc	OH	$180,089
Family Recovery Center	OH	$70,606
United Way of Greater Stark County	OH	$105,437
North Coast Community Homes, Inc	OH	$116,736
West Side Catholic Center	OH	$127,829
Mental Health Services for Homeless Persons, Inc	OH	$469,586
Mental Health Services for Homeless Persons, Inc	OH	$456,968
Mental Health Services for Homeless Persons, Inc	OH	$229,897
Mental Health Services for Homeless Persons, Inc	OH	$448,126
Mental Health Services for Homeless Persons, Inc	OH	$206,741
Mental Health Services for Homeless Persons, Inc	OH	$264,099
Mental Health Services for Homeless Persons, Inc	OH	$919,863
Neighborhood Properties, Inc	OH	$62,337
Zanesville Metropolitan Housing Authority	OH	$45,984
Montgomery County Board of County Commissioners	OH	$137,898
Columbus Metropolitan Housing Authority	OH	$698,700
Columbus Metropolitan Housing Authority	OH	$88,800
Emerald Development & Economic Network (EDEN), Inc	OH	$335,036
Emerald Development & Economic Network (EDEN), Inc	OH	$572,959
Emerald Development & Economic Network (EDEN), Inc	OH	$468,367
Emerald Development & Economic Network (EDEN), Inc	OH	$703,431
Emerald Development & Economic Network (EDEN), Inc	OH	$555,615
Emerald Development & Economic Network (EDEN), Inc	OH	$471,666
Daybreak, Inc	OH	$191,774
Ashtabula County Mental Health and Recovery Services Board	OH	$308,256
The Other Place	OH	$784,700
City of Cincinnati	OH	$114,720
Family & Community Services, Inc	OH	$184,701
YWCA of Elyria	OH	$116,706
Family & Community Services, Inc	OH	$118,356
WSOS Community Action Commission, Inc	OH	$435,196
City of Youngstown	OH	$233,280
Continue Life Inc	OH	$212,973
West Side Catholic Center	OH	$120,901
Shelterhouse Volunteer Group	OH	$494,126
West Side Catholic Center	OH	$97,182
Shelterhouse Volunteer Group	OH	$266,250
Lighthouse Youth Services, Inc	OH	$353,172

Recipient	State	Amount
St. Paul's Community Center	OH	$186,811
Community Shelter Board	OH	$844,634
Community Shelter Board	OH	$422,317
Community Shelter Board	OH	$166,413
Community Action Agency of Columbiana County, Inc	OH	$95,730
Cuyahoga County	OH	$174,731
Geauga County Board of Mental Health and Recovery Services	OH	$837,793
Western Stark Medical Clinic, Inc	OH	$124,951
Bethany House Services, Inc	OH	$1,678,310
Emerald Development & Economic Network (EDEN), Inc	OH	$27,276
Young Women's Christian Association of Youngstown, Ohio	OH	$105,248
Youngstown Metropolitan Housing Authority	OH	$174,960
Cuyahoga County	OH	$270,705
Cuyahoga County	OH	$1,547,520
Youngstown Area Goodwill Industries, Inc	OH	$72,063
Community Housing Network, Inc	OH	$226,315
Community Housing Network, Inc	OH	$35,233
Cuyahoga County	OH	$537,741
Community Housing Network, Inc	OH	$245,103
Cuyahoga County	OH	$152,064
Community Housing Network, Inc	OH	$236,416
Community Housing Network, Inc	OH	$83,283
Community Housing Network, Inc	OH	$260,672
Community Housing Network, Inc	OH	$656,422
Community Housing Network, Inc	OH	$184,834
Portage Metropolitan Housing Authority	OH	$186,600
Northeast Ohio Coalition for the Homeless	OH	$52,500
Caracole, Inc	OH	$479,999
Catholic Charities Regional Agency	OH	$103,776
Preparation for Adult Living (PAL) Mission	OH	$218,602
Community Housing Network, Inc	OH	$97,293
Family & Community Services, Inc	OH	$45,933
Crisis Intervention and Recovery Center, Inc	OH	$62,132
Columbus Metropolitan Housing Authority	OH	$117,876
Columbus Metropolitan Housing Authority	OH	$1,011,048
Columbus Metropolitan Housing Authority	OH	$1,153,440
Columbus Metropolitan Housing Authority	OH	$235,860
TAPP House/TC, Inc	OH	$493,541
Columbus Metropolitan Housing Authority	OH	$113,100
Young Women's Christian Association of Youngstown, Ohio	OH	$89,353
Fairfield Metropolitan Housing Authority	OH	$421,200
Columbus Metropolitan Housing Authority	OH	$535,236
Battered Women's Shelter of Summit and Medina Counties	OH	$112,367
Battered Women's Shelter of Summit and Medina Counties	OH	$143,780
Cuyahoga County	OH	$9,096,012
Young Women's Christian Association of Youngstown, Ohio	OH	$132,141
Young Women's Christian Association of Youngstown, Ohio	OH	$55,728
Cuyahoga County	OH	$423,288
Young Women's Christian Association of Youngstown, Ohio	OH	$136,595
Youngstown State University	OH	$100,616
Community Housing Network, Inc	OH	$59,060
Cuyahoga County	OH	$317,109
Southeast, Inc	OH	$260,680
Family Outreach Community United Services	OH	$119,220
Family Outreach Community United Services	OH	$308,076
YWCA Dayton	OH	$405,799
City of Cincinnati	OH	$430,200
YWCA Dayton	OH	$860,470
Humility of Mary	OH	$76,624
The Salvation Army	OH	$1,999,881
Ohio Multi-County Development Corporation	OH	$395,186
Amethyst, Inc	OH	$163,120
Volunteers of America of Greater Ohio	OH	$262,500
Trumbull LifeLines, Inc	OH	$437,400
Community Health Center	OH	$527,133
The AIDS Taskforce of Greater Cleveland	OH	$75,655
The AIDS Taskforce of Greater Cleveland	OH	$111,330
Appleseed Community Mental Health Center, Inc	OH	$67,549
City of Cincinnati	OH	$3,890,016
New Beginnings Recovery House, Inc	OH	$65,776
WSOS Community Action Commission, Inc	OH	$293,822
Volunteers of America of Greater Ohio, Inc	OH	$79,155
Family Outreach Community United Services	OH	$88,915
WSOS Community Action Commission, Inc	OH	$53,774

Recipient	State	Amount
Volunteers of America of Greater Ohio, Inc	OH	$246,967
Project Woman of Springfield and Clark County	OH	$40,614
Jefferson County Community Action Council	OH	$138,432
Project Woman of Springfield and Clark County	OH	$35,679
Family Outreach Community United Services	OH	$271,820
Community Legal Aid Services, Inc	OH	$17,850
Maryhaven	OH	$137,936
Maryhaven	OH	$48,015
City of Cincinnati	OH	$790,920
Turning Point Counseling Services, Inc	OH	$45,470
Catholic Charities Diocese of Toledo, Inc	OH	$86,552
Community Health Center	OH	$119,713
Project Woman of Springfield and Clark County	OH	$212,719
Licking County Coalition for Housing	OH	$588,371
City of Cincinnati	OH	$319,632
Coleman Professional Services	OH	$70,927
Akron Metropolitan Housing Authority	OH	$277,668
Akron Metropolitan Housing Authority	OH	$72,660
Neighborhood Properties, Inc	OH	$229,249
Coleman Professional Services	OH	$31,520
Coleman Professional Services	OH	$89,462
Mental Health & Recovery Board of Union County	OH	$60,580
Neighborhood Properties, Inc	OH	$77,676
Community Services of Stark County, Inc	OH	$133,333
Mental Health & Recovery Board of Union County	OH	$73,361
Mental Health & Recovery Board of Union County	OH	$89,880
City of Cincinnati	OH	$327,600
YWCA of Elyria	OH	$120,932
Community AIDS Network	OH	$65,799
Coleman Professional Services	OH	$70,000
The Center for Individual and Family Services	OH	$56,066
Trumbull LifeLines, Inc	OH	$291,600
Hitchcock Center For Women, Inc	OH	$275,403
Hitchcock Center For Women, Inc	OH	$236,841
Trumbull LifeLines, Inc	OH	$215,784
Huckleberry House, Inc	OH	$235,406
Neighborhood Properties, Inc	OH	$108,889
Ironton Lawrence County Area Community Action Organization I	OH	$104,200
Springfield Metropolitan Housing Authority	OH	$104,052
Community Health Center	OH	$135,108
Akron Metropolitan Housing Authority	OH	$169,632
Neighborhood Properties, Inc	OH	$90,650
Trumbull LifeLines, Inc	OH	$97,767
KI BOIS Community Action Foundation, Inc	OK	$122,446
Lawton Housing Authority	OK	$47,417
Northwest Domestic Crisis Services, Inc	OK	$118,544
Oklahoma Department of Commerce	OK	$176,196
Volunteers of America of Oklahoma, Inc	OK	$125,481
Domestic Violence Intervention Services, Inc	OK	$149,370
Food & Shelter for Friends	OK	$51,337
State of Oklahoma	OK	$47,460
Legal Aid Services of Oklahoma, Inc	OK	$111,919
East Main Place, Inc	OK	$43,895
City of Oklahoma City	OK	$16,464
Mental Health Association in Tulsa, Inc	OK	$88,456
Mental Health Association in Tulsa, Inc	OK	$87,500
Mental Health Association in Tulsa, Inc	OK	$252,008
Community Service Council of Greater Tulsa	OK	$123,113
Mental Health Association in Tulsa, Inc	OK	$222,768
Mental Health Association in Tulsa, Inc	OK	$212,940
Oklahoma Mental Health Council d/b/a Red Rock	OK	$162,451
Southern Territorial Headquarters of the Salvation Army, The	OK	$336,679
City of Oklahoma City	OK	$325,000
Mental Health Association in Tulsa, Inc	OK	$121,046
City of Oklahoma City	OK	$169,500
City of Oklahoma City	OK	$67,800
City of Oklahoma City	OK	$73,001
City of Oklahoma City	OK	$79,999
City of Oklahoma City	OK	$269,296
City of Oklahoma City	OK	$717,309
The Salvation Army a Georgia Corporation	OK	$70,613
City of Oklahoma City	OK	$599,998
Southern Territorial Headquarters of the Salvation Army, The	OK	$110,432
Volunteers of America of Oklahoma, Inc	OK	$77,914

Recipient	State	Amount
Waynoka Mental Health Authority	OK	$224,440
Volunteers of America of Oklahoma, Inc	OK	$211,941
Central Oklahoma Community Action Agency	OK	$34,571
Mental Health Association in Tulsa, Inc	OK	$116,663
Freedom From Addiction Through Christ	OK	$43,633
Housing Authority of the City of Norman	OK	$79,368
Norman Housing Authority	OK	$67,800
Central Oklahoma Community Action Agency	OK	$34,076
Community Crisis Center, Inc	OK	$50,129
Bradley-Angle House	OR	$73,987
Housing Authority of Portland	OR	$1,600,728
Portland Impact, Inc	OR	$115,737
Housing Authority of Clackamas County	OR	$71,886
Housing Authority of Portland	OR	$458,064
Mid-Columbia Community Action Council Inc	OR	$34,265
Cascadia Behavioral HealthCare	OR	$125,582
Cascadia Behavioral HealthCare	OR	$15,384
Transition Projects, Inc	OR	$243,041
Community Action Team, Inc	OR	$26,767
Northwest Human Services, Inc	OR	$235,025
Community Action Team, Inc	OR	$135,188
Community Services Consortium	OR	$43,311
Housing Authority of Clackamas County	OR	$297,372
Community Services Consortium	OR	$76,122
Oregon State Department of Human Services	OR	$34,992
Community Services Consortium	OR	$133,157
Cascadia Behavioral HealthCare	OR	$698,336
Lane County	OR	$143,307
Oregon Housing and Community Services	OR	$11,561
Oregon Housing and Community Services	OR	$32,081
Oregon Housing and Community Services	OR	$23,983
The Inn-Home for Boys	OR	$244,192
Oregon Housing and Community Services	OR	$22,025
Oregon Human Development Corporation	OR	$41,820
Oregon Housing and Community Services	OR	$11,605
Oregon Housing and Community Services	OR	$80,425
Luke-Dorf Incorporated	OR	$332,588
Lane County	OR	$24,622
Lane County	OR	$191,815
Clatsop Community Action	OR	$17,951
Shangri-La Corporation	OR	$37,800
Oregon Housing and Community Services	OR	$25,061
Shangri-La Corporation	OR	$153,860
Oregon Housing and Community Services	OR	$28,996
Oregon Housing and Community Services	OR	$41,046
Human Solutions, Inc	OR	$209,856
Lane County	OR	$97,258
Lane County	OR	$136,787
Lane County	OR	$108,973
Lane County	OR	$82,208
Lane County	OR	$33,333
Lane County	OR	$57,002
The Salvation Army	OR	$39,375
Northwest Pilot Project, Inc	OR	$122,879
Central City Concern	OR	$160,602
Human Solutions, Inc	OR	$51,905
Human Solutions, Inc	OR	$1,085,075
Central City Concern	OR	$236,968
Central City Concern	OR	$104,772
Housing and Community Services Agency of Lane County	OR	$349,632
St. Vincent de Paul Society of Lane County, Inc	OR	$88,470
St. Vincent de Paul Society of Lane County, Inc	OR	$249,736
St. Vincent de Paul Society of Lane County, Inc	OR	$222,219
ACCESS, Inc	OR	$10,901
Rogue Valley Council of Governments	OR	$136,957
Central City Concern	OR	$223,014
Oregon Housing and Community Services	OR	$33,700
Umpqua Community Action Network	OR	$42,525
Oregon Housing and Community Services	OR	$99,110
The Salvation Army, a California Corp	OR	$50,000
Lane County	OR	$378,850
City of Portland	OR	$241,074
Housing Authority of Portland	OR	$385,800
City of Portland	OR	$271,986

Recipient	State	Amount
Community Works	OR	$122,056
Open Door Counseling Center	OR	$38,095
NeighborImpact	OR	$302,996
Community Action	OR	$165,219
Community Action Program of East Central Oregon	OR	$38,874
Community Connection of Northeast Oregon, Inc	OR	$56,658
Lane County	OR	$60,166
Umpqua Community Action Network	OR	$47,807
Neighborhood House	OR	$276,770
Washington County Department of Housing Services	OR	$62,055
Clackamas County Department of Human Services	OR	$64,057
Washington County Department of Housing Services	OR	$126,000
Washington County Department of Housing Services	OR	$388,320
Washington County Department of Housing Services	OR	$83,869
Clackamas Women's Services	OR	$81,290
Washington County Department of Housing Services	OR	$136,523
Mid-Willamette Valley Community Action Agency	OR	$306,901
Washington County Department of Housing Services	OR	$805,248
The Salvation Army, a California Corporation	OR	$125,769
Oregon Coast Community Action	OR	$14,314
Clackamas County Department of Human Services	OR	$108,581
Clackamas County Department of Human Services	OR	$29,977
Mid-Willamette Valley Community Action Agency	OR	$30,394
Clackamas County Department of Human Services	OR	$185,115
Mid-Willamette Valley Community Action Agency	OR	$83,572
Clackamas County Department of Human Services	OR	$114,200
Washington County Department of Housing Services	OR	$155,580
Oregon Coast Community Action	OR	$14,910
Housing Authority of Portland	OR	$318,384
Housing Authority of Portland	OR	$225,156
Oregon Coast Community Action	OR	$120,502
Transition Projects, Inc	OR	$116,302
Oregon Coast Community Action	OR	$194,775
Transition Projects, Inc	OR	$277,367
Multnomah County, Oregon	OR	$462,083
Multnomah County, Oregon	OR	$1,150,995
Multnomah County, Oregon	OR	$12,635
Multnomah County, Oregon	OR	$278,736
Multnomah County, Oregon	OR	$142,142
Multnomah County, Oregon	OR	$45,801
Oregon Coast Community Action	OR	$26,463
1260 Housing Development Corporation	PA	$201,685
Westmoreland Community Action	PA	$467,270
Westmoreland Community Action	PA	$40,950
1260 Housing Development Corporation	PA	$67,686
American Rescue Workers Inc	PA	$116,793
Drueding Center	PA	$1,081,414
Opportunity House	PA	$42,827
Housing Authority of Monroe County	PA	$163,200
Family Services of Montgomery County	PA	$188,614
The Lighthouse Foundation	PA	$39,274
1260 Housing Development Corporation	PA	$260,604
1260 Housing Development Corporation	PA	$144,900
Catholic Social Services of the Diocese of Scranton, Inc	PA	$208,999
Armstrong County Community Action Agency	PA	$112,874
1260 Housing Development Corporation	PA	$528,524
Community Action Southwest	PA	$36,228
Wesley House Community Corporation, Inc	PA	$26,199
County of Butler	PA	$165,376
Victim Outreach Intervention Center	PA	$87,178
Crawford County Commissioners	PA	$154,440
Council on Chemical Abuse	PA	$107,425
Fitzmaurice Community Services, Inc	PA	$130,807
Housing Authority of the County of Beaver	PA	$37,880
Indiana County Community Action Program, Inc	PA	$82,842
County of Greene	PA	$134,315
Indiana County Community Action Program, Inc	PA	$13,393
Community Action Agency of Delaware County, Inc	PA	$341,692
Community Action Agency of Delaware County, Inc	PA	$449,583
Prince of Peace Center	PA	$103,612
Lehigh County Housing Authority	PA	$186,552
American Red Cross, The	PA	$80,905
Futures Community Support Services	PA	$35,882
Community Alliance and Reinvestment Endeavor, Inc	PA	$37,262

Recipient	State	Amount
Blair County Community Action Program	PA	$104,630
Turning Point Interfaith Mission	PA	$408,311
Indian Valley Housing Corporation	PA	$44,989
Opportunity House	PA	$30,655
Family and Community Service of Delaware County	PA	$108,069
Opportunity House	PA	$58,997
Tabor Community Services Inc	PA	$528,341
Tabor Community Services Inc	PA	$43,158
Victim Outreach Intervention Center	PA	$300,835
Dedicated HMIS Project	PA	$136,639
County of Butler	PA	$83,975
Action AIDS, Inc	PA	$255,018
Holcomb Associates, Inc	PA	$116,999
Northampton County Housing Authority	PA	$90,216
Indiana County Community Action Program, Inc	PA	$31,896
Action AIDS, Inc	PA	$178,750
Indian Valley Housing Corporation	PA	$29,410
YWCA OF Greater Harrisburg	PA	$192,398
Tabor Community Services Inc	PA	$115,973
Delaware County Housing Authority	PA	$148,260
Catholic Youth Center	PA	$318,101
Allegheny County Department of Human Services	PA	$437,620
Allegheny County Department of Human Services	PA	$242,605
Allegheny County Department of Human Services	PA	$935,847
Calcutta House	PA	$115,943
Calcutta House	PA	$75,455
Volunteers of America	PA	$291,572
Allegheny County Department of Human Services	PA	$70,461
Allegheny County Department of Human Services	PA	$725,640
Delaware County Housing Authority	PA	$122,124
Allegheny County Department of Human Services	PA	$498,840
Delaware County Housing Authority	PA	$137,485
Delaware County Housing Authority	PA	$453,968
Berks Counseling Center, Inc	PA	$79,135
Berks Counseling Center, Inc	PA	$170,019
Berks Counseling Center, Inc	PA	$99,960
Berks Counseling Center, Inc	PA	$70,571
Berks Counseling Center, Inc	PA	$133,745
Allegheny County Department of Human Services	PA	$111,096
Delaware County Housing Authority	PA	$139,515
Cameron and Elk Counties MH/MR Program	PA	$67,732
Luzerne County/Office of Human Services	PA	$370,140
Housing Authority of the City of York	PA	$493,980
COMHAR	PA	$291,823
COMHAR	PA	$521,683
Huntingdon House; A Program for Victims of Domestic Violence	PA	$80,214
W.C. Atkinson Memorial Community Service Center, Inc	PA	$15,925
Allegheny County Department of Human Services	PA	$2,812,560
Allegheny County Department of Human Services	PA	$1,817,640
Allegheny County Department of Human Services	PA	$114,455
Allegheny County Department of Human Services	PA	$350,910
Allegheny County Department of Human Services	PA	$195,223
County of Washington	PA	$145,812
Allegheny County Department of Human Services	PA	$839,501
Allegheny County Department of Human Services	PA	$359,100
Allegheny County Department of Human Services	PA	$173,158
County of Washington	PA	$93,816
County of Washington	PA	$102,192
Allegheny County Department of Human Services	PA	$64,890
Allegheny County Department of Human Services	PA	$241,500
Allegheny County Department of Human Services	PA	$146,286
Allegheny County Department of Human Services	PA	$33,444
County of Washington	PA	$165,950
Allegheny County Department of Human Services	PA	$230,199
Allegheny County Department of Human Services	PA	$624,875
Allegheny County Department of Human Services	PA	$626,481
Luzerne Intermediate Unit #18	PA	$63,210
Allegheny County Department of Human Services	PA	$94,776
Allegheny County Department of Human Services	PA	$350,870
Allegheny County Department of Human Services	PA	$428,147
YMCA of Reading & Berks County	PA	$98,569
Allegheny County Department of Human Services	PA	$341,444
DuBois Housing Authority	PA	$244,296
Hedwig House, Inc	PA	$186,490

Recipient	State	Amount
Philadelphia Housing Authority	PA	$238,464
Philadelphia Housing Authority	PA	$66,240
Philadelphia Housing Authority	PA	$39,744
Community Action, Inc	PA	$67,165
Community Action, Inc	PA	$86,567
Armstrong County Community Action Agency	PA	$121,083
Armstrong County Community Action Agency	PA	$127,005
Allegheny County Department of Human Services	PA	$639,927
County of Washington	PA	$65,415
Young Women's Christian Association of York	PA	$296,100
Resources for Human Development, Inc	PA	$225,435
Resources for Human Development, Inc	PA	$486,335
Resources for Human Development, Inc	PA	$257,887
Resources for Human Development, Inc	PA	$326,308
Resources for Human Development, Inc	PA	$166,378
Housing Development Corporation of NEPA	PA	$201,034
Housing Development Corporation of NEPA	PA	$169,223
County of Washington	PA	$225,654
Housing Authority of the County of Dauphin	PA	$141,120
Allegheny County Department of Human Services	PA	$67,476
County of Washington	PA	$141,147
Community Action Partnership of mercer County	PA	$51,498
County of Washington	PA	$202,210
Allegheny County Department of Human Services	PA	$27,384
Community Action Partnership of mercer County	PA	$60,257
Allegheny County Department of Human Services	PA	$221,940
Allegheny County Department of Human Services	PA	$699,087
DuBois Housing Authority	PA	$84,960
Allegheny County Department of Human Services	PA	$68,355
Housing Authority of the County of Dauphin	PA	$234,372
The Salvation Army	PA	$186,156
Supportive Services, Inc	PA	$391,422
Mental Health Association of Southeastern Pennsylvania	PA	$174,351
Valley Youth House Committee, Inc	PA	$232,549
Valley Youth House Committee, Inc	PA	$246,205
Valley Youth House Committee, Inc	PA	$241,837
Valley Youth House Committee, Inc	PA	$516,268
HELP Development Corporation	PA	$487,622
Women's Community Revitalization Project	PA	$288,230
The Salvation Army	PA	$184,212
The Salvation Army	PA	$159,570
The Salvation Army	PA	$60,375
Mental Health Association of Southeastern Pennsylvania	PA	$186,634
The Salvation Army	PA	$71,248
Mental Health Association of Southeastern Pennsylvania	PA	$200,944
The Salvation Army	PA	$97,230
The Salvation Army	PA	$210,883
The Salvation Army	PA	$99,806
The Salvation Army	PA	$278,869
United Neighborhood Centers of Northeastern Pennsylvania	PA	$339,826
Carson Valley Children's Aid	PA	$353,396
United Neighborhood Centers of Northeastern Pennsylvania	PA	$59,556
United Neighborhood Centers of Northeastern Pennsylvania	PA	$213,919
Project HOME	PA	$773,964
Project HOME	PA	$124,922
Harbor Point Housing, Inc	PA	$82,564
City of Philadelphia	PA	$59,616
The Salvation Army	PA	$203,440
City Mission-Living Stones, Inc	PA	$133,417
Horizon House	PA	$228,199
Horizon House	PA	$351,217
Horizon House	PA	$96,201
Horizon House	PA	$226,224
Impact Services Corporation	PA	$624,728
Impact Services Corporation	PA	$268,304
Community Action Committee of the Lehigh Valley	PA	$69,999
Shalom House	PA	$236,815
Bethesda Project	PA	$223,761
Bethesda Project	PA	$160,901
Penndel Mental Health Center, Inc	PA	$83,239
Mental Health Association of Southeastern Pennsylvania	PA	$140,034
City Mission-Living Stones, Inc	PA	$108,582
Supportive Services, Inc	PA	$175,561
Lancaster County Housing Authority	PA	$335,280

Recipient	State	Amount
United Christian Ministries, Inc	PA	$87,960
United Christian Ministries, Inc	PA	$90,403
County of Erie	PA	$210,840
County of Erie	PA	$593,173
County of Erie	PA	$341,712
County of Erie	PA	$493,304
County of Erie	PA	$318,060
County of Erie	PA	$126,720
Community Basics, Inc	PA	$175,879
Bucks County Housing Group, Inc	PA	$160,407
Community Basics, Inc	PA	$116,444
Penndel Mental Health Center, Inc	PA	$72,904
Housing Transitions, Inc	PA	$338,100
Supportive Services, Inc	PA	$164,430
Women Against Abuse, Inc	PA	$181,225
People's Emergency Center	PA	$241,083
People's Emergency Center	PA	$34,815
People's Emergency Center	PA	$53,384
People's Emergency Center	PA	$78,996
People's Emergency Center	PA	$14,584
Domestic Abuse Project of Delaware County, Inc	PA	$150,903
People's Emergency Center	PA	$369,810
People's Emergency Center	PA	$496,362
Overington House, Inc	PA	$225,959
Valley Housing Development Corporation	PA	$136,791
Women's Resource Center, Inc	PA	$133,423
Mechling-Shakley Veterans Center	PA	$28,551
Catholic Social Services	PA	$87,780
Catholic Social Services	PA	$102,229
Catholic Social Services	PA	$202,085
Volunteers Of America Delaware Valley Inc	PA	$114,744
Housing Authority of the County of Cumberland	PA	$849,180
Housing Authority of the County of Cumberland	PA	$325,424
Housing Authority of the County of Cumberland	PA	$213,453
County of Bucks	PA	$108,797
The Community Intervention Center of Lackawanna County	PA	$518,333
Crawford County Mental Health Awareness Program, Inc	PA	$91,784
Family Planning Council, Inc	PA	$127,661
Methodist Family Services of Philadelphia	PA	$250,354
Berks County Women in Crisis	PA	$28,000
MidPenn Legal Services	PA	$39,999
THE PROGRAM for Women and Families, Inc	PA	$105,151
The Philadelphia Veterans Multi-Service & Education Center	PA	$305,222
Easy Does It, Inc	PA	$338,270
Easy Does It, Inc	PA	$65,333
EMDB d/b/a New Bethany Ministries	PA	$121,185
Asociacion Puertoriquenos en Marcha, Inc	PA	$129,778
Penn Foundation, Inc	PA	$66,272
YMCA of York and York County	PA	$88,988
Warren-Forest Counties Economic Opportunity Council	PA	$374,103
Committee For Dignity and Fairness For the Homeless Housing	PA	$122,253
Committee For Dignity and Fairness For the Homeless Housing	PA	$30,570
Valley Housing Development Corporation	PA	$224,191
The Lodge, Inc. of Pennsylvania	PA	$162,076
Easy Does It, Inc	PA	$31,040
The Delta Community, Inc	PA	$258,209
Housing Authority of Centre County	PA	$65,952
Franklin County	PA	$286,036
Centre County Youth Service Bureau	PA	$105,740
Dauphin County	PA	$143,250
County of Delaware	PA	$205,800
Catherine McAuley Center	PA	$138,399
Bell Socialization Services	PA	$104,473
Young Women's Christian Association of Lancaster	PA	$568,800
CAPSEA, Inc	PA	$93,581
Crisis Shelter of Lawrence County	PA	$83,121
Housing Authority of the City of Lancaster	PA	$132,120
Committee For Dignity and Fairness For the Homeless Housing	PA	$212,306
City of Philadelphia	PA	$202,080
Travelers Aid Society of Philadelphia	PA	$359,951
Adams Co. Housing Authority	PA	$79,491
Community, Youth and Women's Alliance, Inc	PA	$44,593
Chester County	PA	$52,992
Catholic Social Services	PA	$321,347

Recipient	State	Amount
Catholic Social Services	PA	$88,200
Catholic Social Services	PA	$120,750
Catholic Social Services	PA	$60,245
Chester County	PA	$105,000
City of Philadelphia	PA	$33,120
City of Philadelphia	PA	$12,947
Montgomery County, PA, MH/MR/D&A/BH	PA	$271,341
City of Philadelphia	PA	$584,199
Chester County	PA	$99,360
Chester County	PA	$86,530
AchieveAbility	PA	$161,700
Connect, Inc	PA	$121,579
Lawrence County Social Services, Inc	PA	$197,665
City of Philadelphia	PA	$441,600
Chester County	PA	$17,304
City of Philadelphia	PA	$169,680
Travelers Aid Society of Philadelphia	PA	$131,428
Lawrence County Social Services, Inc	PA	$42,593
Lehigh County Conference of Churches	PA	$168,716
AchieveAbility	PA	$210,000
County of York	PA	$122,063
Commission on Economic Opportunity	PA	$203,236
Commission on Economic Opportunity	PA	$260,819
Commission on Economic Opportunity	PA	$179,869
Commission on Economic Opportunity	PA	$164,486
Asociacion Puertoriquenos en Marcha, Inc	PA	$149,711
Lehigh County Conference of Churches	PA	$210,258
Travelers Aid Society of Philadelphia	PA	$259,729
Chester County	PA	$112,907
Travelers Aid Society of Philadelphia	PA	$700,324
Chester County	PA	$120,600
City of Philadelphia	PA	$122,712
Domestic Violence Center of Chester County	PA	$89,302
County of Mifflin	PA	$451,997
Borough of State College	PA	$10,920
Fayette County Community Action Agency, Inc	PA	$62,982
Fayette County Community Action Agency, Inc	PA	$65,695
Horizon House	PA	$644,582
Horizon House	PA	$347,215
City of Philadelphia	PA	$2,879,640
Chester County	PA	$151,560
City of Philadelphia	PA	$103,671
City of Philadelphia	PA	$99,272
City of Philadelphia	PA	$66,240
Gaudenzia, Inc	PA	$67,998
Opportunity House	PA	$102,504
City of Philadelphia	PA	$654,504
City of Philadelphia	PA	$202,080
Montgomery County Community Action Development Commission	PA	$59,216
Community Housing Services	PA	$44,982
Potter County Human Services	PA	$129,455
Community Housing Services	PA	$92,209
City of Philadelphia	PA	$812,412
City of Philadelphia	PA	$355,488
Community Housing Services	PA	$116,539
City of Philadelphia	PA	$26,496
City of Philadelphia	PA	$13,248
Human Services Center	PA	$60,195
City of Philadelphia	PA	$757,440
Domestic Violence Service Center, Inc	PA	$57,015
City of Philadelphia	PA	$121,248
City of Philadelphia	PA	$873,468
Community Housing Services	PA	$117,655
City of Philadelphia	PA	$274,452
City of Philadelphia	PA	$171,216
Housing Authority of the County of Butler Inc	PA	$141,750
City of Philadelphia	PA	$181,228
City of Philadelphia	PA	$147,924
City of Philadelphia	PA	$233,176
City of Philadelphia	PA	$670,784
City of Philadelphia	PA	$296,760
Commonwealth of Pennsylvania	PA	$234,949
Chester County	PA	$100,000
Home Nursing Agency Community Services	PA	$51,270

Recipient	State	Amount
City of Philadelphia	PA	$79,488
Home Nursing Agency Community Services	PA	$420,432
City of Philadelphia	PA	$98,189
Estancia Corazon, Inc	PR	$197,803
Corporacion Milagros del Amor	PR	$201,122
Estancia Corazon, Inc	PR	$232,746
Municipality of Barceloneta on behalf of Intenor	PR	$847,854
La Tierra Prometida, Inc	PR	$268,298
Estancia Corazon, Inc	PR	$288,179
La Perla de Gran Precio	PR	$991,893
Estancia Corazon, Inc	PR	$99,855
Fundacion Chana y Samuel Levis, Inc	PR	$211,470
Corp. La Fondita de Jesus	PR	$463,000
Corp. La Fondita de Jesus	PR	$581,400
Corp. La Fondita de Jesus	PR	$657,040
Municipality Of San Juan-Family & Community Department	PR	$443,964
Hogar del Buen Pastor, Inc	PR	$237,609
Fundacion de Desarrollo Comunal de P.R., Inc ''FUNDESCO''	PR	$135,488
Municipality Of San Juan-Family & Community Department	PR	$330,939
La Perla de Gran Precio	PR	$145,637
Municipality Of San Juan-Family & Community Department	PR	$300,354
Municipality Of San Juan-Family & Community Department	PR	$314,286
Municipality Of San Juan-Family & Community Department	PR	$1,014,720
Coalicion de Coaliciones Pro Personas Sin Hogar de PR, Inc	PR	$569,525
Fundacion Chana y Samuel Levis, Inc	PR	$305,235
La Perla de Gran Precio	PR	$118,738
Municipality Of San Juan-Family & Community Department	PR	$298,510
Lucha Contra el SIDA, Inc	PR	$1,334,255
Coalition Of Guaynabo	PR	$202,491
Lucha Contra el SIDA, Inc	PR	$1,595,595
Casa Protegida Julia de Burgos, Inc	PR	$408,220
Lucha Contra el SIDA, Inc	PR	$77,086
Lucha Contra el SIDA, Inc	PR	$180,963
Hogar Ruth Albergue Para Mujeres Maltratadas, Inc	PR	$950,242
Municipality of Naranjito	PR	$261,608
Fundacion de Desarrollo Comunal de P.R., Inc ''FUNDESCO''	PR	$154,795
Rhode Island Housing and Mortgage Finance Corporation	RI	$26,705
Rhode Island Housing and Mortgage Finance Corporation	RI	$32,456
Rhode Island Housing and Mortgage Finance Corporation	RI	$32,800
Rhode Island Housing and Mortgage Finance Corporation	RI	$71,332
Rhode Island Housing and Mortgage Finance Corporation	RI	$17,864
Rhode Island Housing and Mortgage Finance Corporation	RI	$22,881
Rhode Island Housing and Mortgage Finance Corporation	RI	$55,000
Rhode Island Housing and Mortgage Finance Corporation	RI	$93,779
Rhode Island Housing and Mortgage Finance Corporation	RI	$90,029
Rhode Island Housing and Mortgage Finance Corporation	RI	$129,639
Rhode Island Housing and Mortgage Finance Corporation	RI	$167,294
Rhode Island Housing and Mortgage Finance Corporation	RI	$63,813
Rhode Island Housing and Mortgage Finance Corporation	RI	$161,879
Rhode Island Housing and Mortgage Finance Corporation	RI	$120,220
Rhode Island Housing and Mortgage Finance Corporation	RI	$23,605
Rhode Island Housing and Mortgage Finance Corporation	RI	$95,250
Rhode Island Housing and Mortgage Finance Corporation	RI	$61,402
Washington Square Services Corporation	RI	$103,217
Newport Country Community Mental Health Center	RI	$ 8,204
Rhode Island Housing and Mortgage Finance Corporation	RI	$67,895
Rhode Island Housing and Mortgage Finance Corporation	RI	$78,000
Rhode Island Housing and Mortgage Finance Corporation	RI	$26,517
Rhode Island Housing and Mortgage Finance Corporation	RI	$191,194
Rhode Island Housing and Mortgage Finance Corporation	RI	$1,146,384
Rhode Island Housing and Mortgage Finance Corporation	RI	$126,393
Rhode Island Housing and Mortgage Finance Corporation	RI	$107,716
Rhode Island Housing and Mortgage Finance Corporation	RI	$149,797
Rhode Island Housing and Mortgage Finance Corporation	RI	$117,959
Rhode Island Housing and Mortgage Finance Corporation	RI	$60,897
Rhode Island Housing and Mortgage Finance Corporation	RI	$125,517
Rhode Island Housing and Mortgage Finance Corporation	RI	$57,424
Rhode Island Housing and Mortgage Finance Corporation	RI	$24,712
Rhode Island Housing and Mortgage Finance Corporation	RI	$88,334
Rhode Island Housing and Mortgage Finance Corporation	RI	$48,058
The Providence Center	RI	$41,133
Rhode Island Housing and Mortgage Finance Corporation	RI	$37,166
Rhode Island Housing and Mortgage Finance Corporation	RI	$64,692
Rhode Island Housing and Mortgage Finance Corporation	RI	$253,752

Recipient	State	Amount
Rhode Island Housing and Mortgage Finance Corporation	RI	$178,087
Rhode Island Housing and Mortgage Finance Corporation	RI	$67,916
Family Resources Community Action	RI	$32,428
Rhode Island Housing and Mortgage Finance Corporation	RI	$65,668
Rhode Island Housing and Mortgage Finance Corporation	RI	$82,625
Rhode Island Housing and Mortgage Finance Corporation	RI	$32,340
Rhode Island Housing and Mortgage Finance Corporation	RI	$11,248
Rhode Island Housing and Mortgage Finance Corporation	RI	$45,299
Rhode Island Housing and Mortgage Finance Corporation	RI	$30,924
Upstate Homeless Coalition of South Carolina	SC	$160,164
South Carolina Department of Mental Health	SC	$128,232
Home Alliance, Inc	SC	$98,650
Upstate Homeless Coalition of South Carolina	SC	$187,318
Richland County	SC	$64,210
Upstate Homeless Coalition of South Carolina	SC	$163,056
Richland County	SC	$16,335
Homes of Hope, Inc	SC	$57,191
South Carolina Department of Mental Health	SC	$110,712
Upstate Homeless Coalition of South Carolina	SC	$653,287
Myrtle Beach Housing Authority	SC	$213,156
Pee Dee Community Action Agency	SC	$179,098
Crisis Ministries	SC	$71,598
Crisis Ministries	SC	$73,336
Crisis Ministries	SC	$45,765
MEG's House Shelter for Abused Women and Children	SC	$163,908
MEG's House Shelter for Abused Women and Children	SC	$223,358
Any Length Recovery, Inc	SC	$78,746
Project Care, Inc	SC	$169,943
South Carolina Department of Mental Health	SC	$266,412
Pee Dee Community Action Partnership	SC	$46,552
Williamsburg Enterprise Community Commission, Inc	SC	$128,041
Home Alliance, Inc	SC	$44,780
Florence Crittenton Programs of South Carolina	SC	$49,946
Home Alliance, Inc	SC	$68,606
South Carolina Department of Mental Health	SC	$217,644
MEG's House Shelter for Abused Women and Children	SC	$319,128
Sunbelt Human Advancement Resources, Inc. (SHARE)	SC	$77,312
Upstate Homeless Coalition of South Carolina	SC	$133,875
Healing Properties, Inc	SC	$36,750
Sunbelt Human Advancement Resources, Inc. (SHARE)	SC	$101,061
Trinity Housing Corporation	SC	$80,317
Greenville Area Interfaith Hospitality Network	SC	$22,015
The Samaritan House of Orangeburg, Inc	SC	$101,812
Wateree Community Actions, Incorporated	SC	$122,550
The Housing Authority of the City of Charleston	SC	$29,754
Sunbelt Human Advancement Resources, Inc. (SHARE)	SC	$556,555
The Housing Authority of the City of Charleston	SC	$66,596
Southeastern Behavioral HealthCare	SD	$95,336
Sioux Falls Housing and Redevelopment Commission	SD	$161,604
Sioux Falls Housing and Redevelopment Commission	SD	$121,908
Urban Housing Solutions	TN	$168,705
Urban Housing Solutions	TN	$238,000
Knoxville-Knox County Community Action Committee	TN	$139,050
Knoxville-Knox County Community Action Committee	TN	$104,580
City of Memphis, Tennessee	TN	$129,732
Catholic Charities of East Tennessee	TN	$65,440
Chattanooga Church Ministries Inc	TN	$94,828
Housing Opportunities and People Enterprises, Inc	TN	$19,202
Catholic Charities of East Tennessee	TN	$70,459
The University of Tennessee	TN	$132,282
Urban Housing Solutions	TN	$122,250
City of Memphis, Tennessee	TN	$311,100
Renewal House, Inc	TN	$60,443
Damascus Road, Inc	TN	$36,426
Murfreesboro Housing Authority	TN	$271,272
Chattanooga Church Ministries Inc	TN	$105,875
Jackson Housing Authority	TN	$55,956
Damascus Road, Inc	TN	$65,352
Matthew 25, Inc	TN	$37,241
Legal Aid of East Tennessee, Inc	TN	$16,870
Child & Family Tennessee	TN	$268,697
The Salvation Army, a Georgia Corporation	TN	$207,648
Fortwood Center, Inc	TN	$138,649
The Next Door Inc	TN	$195,776

Recipient	State	Amount
Behavioral Health Initiatives, Inc	TN	$78,750
Welcome Home Ministries, Inc	TN	$47,982
Chattanooga Church Ministries Inc	TN	$90,873
Friends For Life Corporation	TN	$433,654
Chattanooga Homeless Coalition	TN	$34,240
Domestic Violence Intervention Center	TN	$35,002
Chattanooga Homeless Coalition	TN	$100,558
Operation Stand Down Nashville, Inc	TN	$50,000
The Next Door Inc	TN	$117,401
Urban Housing Solutions	TN	$120,000
The Next Door Inc	TN	$128,555
Appalachian Regional Coalition on Homelessness	TN	$102,952
Fayette Cares, Inc	TN	$38,369
Catholic Charities, Inc	TN	$296,565
Kingsport Housing & Redevelopment Authority	TN	$189,180
Carey Counseling Center, Inc	TN	$25,107
Carey Counseling Center, Inc	TN	$61,595
Carey Counseling Center, Inc	TN	$17,150
Whitehaven Southwest Mental Health Center	TN	$107,173
Shelby County Government	TN	$35,516
Catholic Charities, Inc	TN	$455,355
Partners for the Homeless	TN	$37,572
Catholic Charities, Inc	TN	$495,350
The Salvation Army, a Georgia Corporation	TN	$385,192
Park Center	TN	$124,080
Stewart County Government	TN	$113,880
Cocaine & Alcohol Awareness Program, Inc	TN	$168,748
AGAPE Child & Family Services, Inc	TN	$193,040
Alpha Omega Veterans Services, Inc	TN	$165,900
Jackson Area Council on Alcoholism and Drug Dependency	TN	$63,408
Metropolitan Inter-Faith Association	TN	$157,287
Family Tree Destiny Center	TN	$245,477
The Journey Home	TN	$23,394
Metropolitan Inter-Faith Association	TN	$497,674
Damascus Road, Inc	TN	$109,226
The Salvation Army Crossover Annex Transitional Housing Program	TN	$70,099
Buffalo Valley, Inc	TN	$444,151
Buffalo Valley, Inc	TN	$228,444
Whitehaven Southwest Mental Health Center	TN	$13,537
The Journey Home	TN	$96,603
Hope Ministries, Inc	TN	$62,183
Memphis Family Shelter	TN	$197,886
Buffalo Valley, Inc	TN	$131,539
Buffalo Valley, Inc	TN	$24,850
Buffalo Valley, Inc	TN	$73,047
Partners for the Homeless	TN	$100,170
Southeast Tennessee Human Resource Agency	TN	$224,616
Town of Crossville Housing Authority	TN	$66,792
Buffalo Valley, Inc	TN	$445,652
City of Chattanooga	TN	$187,164
T.A.M.B. of Jackson, Inc	TN	$58,345
Alpha Omega Veterans Services, Inc	TN	$93,424
Campus for Human Development	TN	$132,668
Positively Living	TN	$70,204
Metropolitan Development & Housing Agency	TN	$42,048
Fairview Housing Management Corporation	TN	$117,759
Southeast Tennessee Human Resource Agency	TN	$549,436
Henry County, Tennessee	TN	$181,548
The Salvation Army, a Georgia Corporation	TN	$229,565
Metropolitan Development & Housing Agency	TN	$177,000
Cumberland Regional Development Corporation	TN	$18,340
Genesis House, Inc	TN	$64,161
The Council for Alcohol and Drug Abuse Services, Inc	TN	$211,255
Kingsport Housing & Redevelopment Authority	TN	$42,733
Cumberland Regional Development Corporation	TN	$70,000
Catholic Charities of East Tennessee, Inc	TN	$116,698
Kingsport Housing & Redevelopment Authority	TN	$65,762
Kingsport Housing & Redevelopment Authority	TN	$83,227
Partnership for Families, Children and Adults	TN	$27,978
Wo/Men's Resource and Rape Assistance Program	TN	$72,976
Buffalo Valley, Inc	TN	$71,375
Buffalo Valley, Inc	TN	$49,575
Buffalo Valley, Inc	TN	$72,836
Buffalo Valley, Inc	TN	$74,212

Recipient	State	Amount
Catholic Charities of East Tennessee, Inc	TN	$84,180
Knoxville-Knox County Community Action Committee	TN	$90,096
Helen Ross McNabb Center	TN	$64,151
Professional Care Services Of West TN., Inc	TN	$ 9,000
Safe Haven Family Shelter	TN	$56,910
Quinco Community Mental Health Center, Inc	TN	$68,595
Metropolitan Development & Housing Agency	TN	$58,161
The Charter Group, Inc	TN	$58,806
Chattanooga Housing Authority	TN	$298,320
Metropolitan Development & Housing Agency	TN	$1,414,608
Montgomery County Emergency Assistance, Inc	TX	$27,331
Montgomery County Emergency Assistance, Inc	TX	$101,753
Hope's Door Inc	TX	$70,137
Hope's Door Inc	TX	$177,069
MHMR of Tarrant County—Addiction Services	TX	$67,435
Harvest Life Foundation	TX	$392,814
Buckner Children and Family Services, Inc	TX	$35,801
Coalition for the Homeless of Houston/Harris County, Inc	TX	$185,480
Central Dallas Food Pantry d/b/a Central Dallas Ministries	TX	$668,642
Housing Authority of the City of Fort Worth	TX	$273,048
Mental Health and Mental Retardation of Tarrant County	TX	$295,780
The Housing Authority of the City of Dallas	TX	$71,616
Longview Wellness Center	TX	$126,094
Dallas Jewish Coalition	TX	$166,441
Cross Culture Experiences	TX	$210,303
City of Longview	TX	$276,672
Homeless Network of Texas (dba Texas Homeless Network)	TX	$348,716
Sabine Valley Center	TX	$123,480
Family Abuse Center, Inc	TX	$81,656
Abilene Hope Haven, Inc	TX	$185,577
Day Resource Center for the Homeless	TX	$508,214
Perpetual Help Home	TX	$33,111
Dental Health Programs, Inc. dba Community Dental Care	TX	$146,632
International AIDS Empowerment, Inc	TX	$87,797
Housing Authority of the City of Fort Worth	TX	$1,890,984
HOPE, Inc	TX	$67,333
Perpetual Help Home	TX	$93,877
Housing Authority of the City of Fort Worth	TX	$1,561,944
Bay Area Turning Point, Inc	TX	$107,210
Family Services of Southeast Texas, Inc	TX	$151,587
Coalition for the Homeless of Houston/Harris County, Inc	TX	$335,417
Women Opting for More Affordable Housing Now, Inc. (WOMAN, Inc)	TX	$104,168
Houston Area Community Services, Inc	TX	$1,331,295
Compassion Ministries of Waco, Inc	TX	$161,276
HOPE, Inc	TX	$33,875
Central Dallas Food Pantry d/b/a Central Dallas Ministries	TX	$504,983
PWA Coalition of Dallas, Inc. d/b/a AIDS Services of Dallas	TX	$574,389
Community Enrichment Center, Inc	TX	$222,846
Central Dallas Food Pantry d/b/a Central Dallas Ministries	TX	$185,117
R House, Inc	TX	$170,144
Houston Area Community Services, Inc	TX	$1,293,495
Metrocare Services	TX	$792,229
City of Corpus Christi	TX	$128,394
City of Corpus Christi	TX	$181,143
City of Corpus Christi	TX	$122,673
City of Corpus Christi	TX	$142,720
City of Corpus Christi	TX	$160,255
City of Corpus Christi	TX	$142,569
Covenant House Texas	TX	$195,604
YWCA El Paso del Norte Region	TX	$177,833
The Women's Home	TX	$126,717
El Paso MHMR	TX	$203,982
Metrocare Services	TX	$280,240
Metrocare Services	TX	$413,004
AIDS Foundation Houston, Inc	TX	$1,038,144
AIDS Foundation Houston, Inc	TX	$396,314
AIDS Foundation Houston, Inc	TX	$613,230
AIDS Foundation Houston, Inc	TX	$963,357
AIDS Foundation Houston, Inc	TX	$409,192
Harmony House, Inc	TX	$133,572
Covenant House Texas	TX	$199,328
Harris County	TX	$148,560
City of El Paso, Texas	TX	$53,544
Families Under Urban and Social Attack, Inc	TX	$88,294

Recipient	State	Amount
El Paso Center for Children, Inc	TX	$145,578
Harris County	TX	$173,160
Harris County	TX	$34,272
Harris County	TX	$77,112
Harris County	TX	$261,360
Harris County	TX	$176,184
City of Corpus Christi	TX	$134,971
Harris County	TX	$115,680
City of Amarillo	TX	$178,332
Harris County	TX	$306,240
Harris County	TX	$93,744
Harris County	TX	$124,488
Harris County	TX	$146,760
Harris County	TX	$160,656
San Antonio Metropolitan Ministry Inc	TX	$104,597
City of Amarillo	TX	$206,564
YWCA El Paso del Norte Region	TX	$92,783
Harris County	TX	$2,216,484
The Bridge Over Troubled Waters, Inc	TX	$932,248
City of San Antonio	TX	$210,000
City of San Antonio	TX	$387,273
City of San Antonio	TX	$733,699
Mid-Coast Family Services, Inc	TX	$164,345
Rainbow Days, Inc	TX	$257,237
Housing Authority of the City of Austin	TX	$508,080
Housing Authority of the City of Austin	TX	$341,964
YWCA El Paso del Norte Region	TX	$229,728
Center Against Family Violence	TX	$60,144
City of San Antonio	TX	$364,296
Front Steps, Inc	TX	$97,553
Brighter Tomorrows, Inc	TX	$180,531
Tarrant County ACCESS for the Homeless	TX	$149,805
Career and Recovery Resources, Inc	TX	$117,112
ABC Behavioral Health, LLC	TX	$384,720
ABC Behavioral Health, LLC	TX	$56,883
Mental Health and Mental Retardation Authority of Harris County	TX	$350,466
Collin County Mental Health Mental Retardation Center	TX	$169,490
Housing Authority of the City of Austin	TX	$169,608
City of San Antonio	TX	$91,975
Shared Housing Center, Inc	TX	$93,390
AIDS Services of North Texas, Inc	TX	$243,812
Southern Territorial Headquarters of The Salvation Army, The	TX	$349,188
Northwest Assistance Ministries	TX	$501,892
City of San Antonio	TX	$392,021
City of San Antonio	TX	$614,811
City of San Antonio	TX	$137,777
City of San Antonio	TX	$136,335
City of San Antonio	TX	$352,562
City of San Antonio	TX	$220,145
City of San Antonio	TX	$385,718
City of San Antonio	TX	$120,060
City of San Antonio	TX	$358,268
City of San Antonio	TX	$100,511
City of San Antonio	TX	$131,250
City of San Antonio	TX	$194,864
City of San Antonio	TX	$138,909
City of San Antonio	TX	$268,738
Harmony House, Inc	TX	$358,470
City of San Antonio	TX	$175,613
Tarrant County	TX	$86,602
Tarrant County	TX	$21,815
Tarrant County	TX	$50,680
The Family Place	TX	$981,236
Tarrant County	TX	$108,491
Tarrant County	TX	$322,293
Tarrant County	TX	$212,663
Tarrant County	TX	$106,864
City of Dallas	TX	$914,280
Tarrant County	TX	$124,665
Houston Area Women's Center	TX	$79,194
Tarrant County	TX	$145,435
Tarrant County	TX	$97,293
New Beginning Center, Inc	TX	$192,928
Family Gateway, Inc	TX	$198,018

Recipient	State	Amount
Family Gateway, Inc	TX	$42,438
Family Gateway, Inc	TX	$150,701
City of Dallas	TX	$89,520
Families Under Urban and Social Attack, Inc	TX	$120,750
Tarrant County	TX	$1,103,295
Travis County DV & SA Survival Center, dba SafePlace	TX	$613,003
Some Other Place, Inc	TX	$111,888
Denton County Mental Health Mental Retardation Center	TX	$270,670
El Paso Coalition for the Homeless	TX	$107,902
Housing Crisis Center	TX	$194,271
Housing Crisis Center	TX	$188,196
Housing Crisis Center	TX	$106,200
Housing Crisis Center	TX	$532,944
Housing Crisis Center	TX	$668,643
Tarrant County	TX	$87,176
Promise House, Inc	TX	$220,986
Houston Area Women's Center	TX	$291,402
Tarrant County	TX	$166,404
Star of Hope Mission	TX	$734,400
Star of Hope Mission	TX	$207,406
Star of Hope Mission	TX	$307,406
Tarrant County	TX	$103,445
Tarrant County	TX	$24,237
Houston Area Women's Center	TX	$610,858
City of Dallas	TX	$476,640
Promise House, Inc	TX	$269,737
The Gulf Coast Center	TX	$216,500
Opportunity Center for the Homeless	TX	$115,136
Opportunity Center for the Homeless	TX	$132,870
Interfaith Housing Coalition	TX	$348,886
Port Cities Rescue Mission Ministries	TX	$175,037
The Gulf Coast Center	TX	$60,943
The Gulf Coast Center	TX	$120,270
The Gulf Coast Center	TX	$151,490
City of Dallas	TX	$386,304
The Gulf Coast Center	TX	$203,719
Opportunity Center for the Homeless	TX	$108,551
All Church Home for Children, Inc	TX	$113,922
Centro San Vicente	TX	$139,999
The Arlington Life Shelter	TX	$83,686
The Arlington Life Shelter	TX	$63,471
Twin City Mission, Inc	TX	$165,991
Twin City Mission, Inc	TX	$61,363
Twin City Mission, Inc	TX	$32,332
Harmony House, Inc	TX	$630,886
The Gulf Coast Center	TX	$177,259
Recue Mission of El Paso, Inc	TX	$428,760
City of Dallas	TX	$257,606
City of Dallas	TX	$154,027
Housing Authority of the City of Arlington	TX	$262,378
Housing Authority of the City of Arlington	TX	$150,264
Housing Authority of the City of Arlington	TX	$165,360
Caritas of Austin	TX	$303,712
Caritas of Austin	TX	$397,770
Caritas of Austin	TX	$202,406
Opportunity Center for the Homeless	TX	$161,091
Recue Mission of El Paso, Inc	TX	$476,400
Opportunity Center for the Homeless	TX	$250,734
Recue Mission of El Paso, Inc	TX	$46,796
Community Council of Greater Dallas	TX	$183,648
Youth and Family Alliance dba LifeWorks	TX	$216,236
Austin Travis County Mental Health Mental Retardation Center	TX	$78,533
Austin Travis County Mental Health Mental Retardation Center	TX	$348,007
Opportunity Center for the Homeless	TX	$78,721
Opportunity Center for the Homeless	TX	$171,920
City of Amarillo	TX	$53,941
Legal Aid of NorthWest Texas	TX	$142,932
El Paso MHMR	TX	$180,979
The Housing Authority of Travis County	TX	$475,320
SEARCH	TX	$330,673
Montrose Counseling Center, Inc	TX	$105,259
Texas ReEntry Services, Inc	TX	$104,482
The Children's Center, Inc	TX	$160,000
Southeast Texas Regional Planning Commission	TX	$23,008

Recipient	State	Amount
United States Veterans Initiative	TX	$110,441
City of Beaumont	TX	$101,424
SEARCH	TX	$96,520
Volunteers of America Texas, Inc	TX	$212,069
Catholic Charities of the Archdiocese Galveston-Houston	TX	$183,656
Texas Rio Grande Legal Aid, Inc	TX	$124,908
HELP Development Corporation	TX	$439,456
LifeNet Community Behavioral Healthcare	TX	$23,095
La Posada Home, Inc	TX	$89,026
LifeNet Community Behavioral Healthcare	TX	$1,295,286
The Salvation Army, a Georgia Corporation	TX	$795,540
Fort Bend County Women's Center, Inc	TX	$668,359
Presbyterian Night Shelter	TX	$181,077
The Salvation Army, a Georgia Corporation	TX	$538,081
Presbyterian Night Shelter	TX	$459,110
Presbyterian Night Shelter	TX	$252,898
Bonita House of Hope	TX	$487,281
Provo City Housing Authority	UT	$123,984
Mountainlands Community Housing Trust	UT	$74,094
Housing Authority of the County of Salt Lake	UT	$800,460
Utah Department of Community and Culture	UT	$29,975
Utah Department of Community and Culture	UT	$95,345
Davis Citizens' Coalition Against Violence	UT	$61,076
Provo City Housing Authority	UT	$123,984
Utah Nonprofit Housing Corporation	UT	$104,599
Utah Department of Community and Culture	UT	$8,242
Utah Department of Community and Culture	UT	$17,500
Cedar City Housing Authority	UT	$13,913
Family Connection Center	UT	$171,149
Housing Authority of Utah County	UT	$151,536
Center for Women and Children in Crisis, Inc	UT	$16,252
Provo City Housing Authority	UT	$21,379
Center for Women and Children in Crisis, Inc	UT	$103,385
Bear River Association of Governments	UT	$49,564
The Erin Kimball Memorial Foundation, Inc	UT	$75,091
Utah Department of Community and Culture	UT	$34,416
Volunteers of America, Utah	UT	$106,753
Four Corners Community Behavioral Health, Inc	UT	$134,191
Davis Behavioral Health, Inc	UT	$106,082
Community Action Services	UT	$228,653
Valley Mental Health, Inc	UT	$114,118
Golden Spike Treatment Ranch, Inc	UT	$70,114
Housing Authority of Salt Lake City	UT	$176,040
Housing Authority of Salt Lake City	UT	$354,876
Iron County Care and Share	UT	$35,074
Christian Relief Services Charities, Inc	VA	$24,885
City of Richmond	VA	$298,080
Christian Relief Services Charities, Inc	VA	$135,673
Christian Relief Services of Virginia, Inc	VA	$291,788
CANDII, Inc	VA	$272,097
CANDII, Inc	VA	$168,911
PRS, Inc	VA	$168,450
City of Richmond	VA	$745,200
Hilliard House	VA	$262,917
Christian Relief Services Charities, Inc	VA	$76,220
Residential Options, Inc	VA	$69,237
Arlington Street People's Assistance Network, Inc	VA	$211,446
Christian Relief Services of Virginia, Inc	VA	$216,780
Link of Hampton Roads, Inc	VA	$80,359
CANDII, Inc	VA	$179,212
Christian Relief Services Charities, Inc	VA	$120,676
Young Women's Christian Association of South Hampton Roads	VA	$193,765
Virginia Beach Community Development Corporation	VA	$75,084
Kurdish Human Rights Watch, Inc. (KHRW)	VA	$438,973
Norfolk Community Services Board	VA	$25,000
Norfolk Community Services Board	VA	$521,676
Fairfax County Department of Housing and Community Development	VA	$403,008
Norfolk Community Services Board	VA	$261,282
St. Joseph's Villa	VA	$272,000
AIDS/HIV Services Group	VA	$60,004
AIDS/HIV Services Group	VA	$27,984
Arlington-Alexandria Coalition for the Homeless	VA	$143,238
City of Richmond	VA	$1,015,656
Fairfax County Department of Housing and Community Development	VA	$449,376

Recipient	State	Amount
Christian Relief Services Charities, Inc	VA	$30,943
Norfolk Community Services Board	VA	$134,015
Arlington County Government	VA	$122,148
The Daily Planet, Inc	VA	$90,300
Waynesboro Redevelopment and Housing Authority	VA	$38,154
South River Development Corporation	VA	$38,033
Link of Hampton Roads, Inc	VA	$323,934
Fairfax-Falls Church Community Services Board	VA	$254,652
Portsmouth Volunteers for the Homeless	VA	$55,650
Community Alternatives Management Group, Inc	VA	$67,336
Arlington County Government	VA	$102,963
Miriam's House, Inc	VA	$87,252
Urban League of Greater Richmond	VA	$70,350
Virginia Supportive Housing	VA	$39,861
New Hope Housing, Inc	VA	$245,541
Newport News Redevelopment and Housing Authority	VA	$86,784
New Hope Housing, Inc	VA	$90,602
City of Portsmouth Virginia	VA	$388,500
Arlington County Government	VA	$222,324
NOVACO Inc	VA	$111,492
Samaritan House, Inc	VA	$109,848
Virginia Beach Community Development Corporation	VA	$371,406
Fairfax County Department of Housing and Community Development	VA	$151,176
Homestretch Inc	VA	$150,727
St. Columba Ecumenical Ministries, Inc	VA	$130,179
Samaritan House, Inc	VA	$36,888
The Daily Planet, Inc	VA	$118,171
Fairfax County Department of Housing and Community Development	VA	$139,488
Link of Hampton Roads, Inc	VA	$256,582
Miriam's House, Inc	VA	$21,357
Northern Shenandoah Valley Regional Commission	VA	$22,570
Pathway Homes, Inc	VA	$157,788
The Planning Council	VA	$50,533
The Planning Council	VA	$54,090
George Washington Regional Commission	VA	$59,305
Community Alternatives Management Group, Inc	VA	$11,714
Arlington Street People's Assistance Network, Inc	VA	$166,058
City of Roanoke	VA	$264,317
Northwestern Community Services	VA	$218,592
Prince William Department of Social Services	VA	$126,463
Prince William Department of Social Services	VA	$141,156
Prince William Department of Social Services	VA	$36,230
Prince William Department of Social Services	VA	$7,095
City of Roanoke	VA	$80,232
Prince William Department of Social Services	VA	$143,585
City of Roanoke	VA	$166,008
Prince William Department of Social Services	VA	$134,033
City of Roanoke	VA	$56,552
Alexandria Community Services Board	VA	$29,813
Alexandria Community Services Board	VA	$131,643
Alexandria Community Services Board	VA	$98,150
Rappahannock Refuge, Inc	VA	$57,918
Transitions Family Violence Services	VA	$137,852
Virginia Beach Community Development Corporation	VA	$ 4,620
City of Roanoke	VA	$137,669
Fairfax Area Christian Emergency & Transitional Services	VA	$305,890
Homeward	VA	$15,050
Homeward	VA	$26,731
The Salvation Army, a Georgia Corporation	VA	$106,213
ForKids inc	VA	$125,038
ForKids inc	VA	$149,166
ForKids inc	VA	$242,043
Prince William Department of Social Services	VA	$91,900
Fairfax County Department of Family Services	VA	$431,580
Northwestern Community Services	VA	$61,523
United Community Ministries, Inc	VA	$138,216
Emergency Shelter, Inc	VA	$99,960
Emergency Shelter, Inc	VA	$39,606
Emergency Shelter, Inc	VA	$506,653
Fairfax County Department of Family Services	VA	$453,346
County of Loudoun	VA	$106,429
County of Loudoun	VA	$64,386
ForKids inc	VA	$103,804
Christian Relief Services Charities, Inc	VA	$24,885

Recipient	State	Amount
Rush Lifetime Homes, Inc	VA	$51,100
Hampton-Newport News Community Services Board	VA	$114,892
Sheltered Homes of Alexandria	VA	$89,288
Portsmouth Area Resources Coalition, Inc	VA	$90,246
Barrett Haven Inc	VA	$144,913
Portsmouth Christian Outreach Ministries	VA	$79,309
Portsmouth Area Resources Coalition, Inc	VA	$53,550
Our House Families	VA	$57,763
Danville Redevelopment and Housing Authority	VA	$67,200
Region Ten Community Services Board	VA	$146,272
Young Women's Christian Association of South Hampton Roads	VA	$38,516
Region Ten Community Services Board	VA	$116,220
Avalon: A Center for Women and Children	VA	$64,454
Oasis Commission on Social Ministry of Portsmouth/Chesapeake	VA	$252,949
City of Richmond Department of Social Services	VA	$60,480
Our House Families	VA	$52,035
Community Alternatives Management Group, Inc	VA	$111,014
Portsmouth Area Resources Coalition, Inc	VA	$122,421
City of Portsmouth Virginia	VA	$69,013
New Hope Housing, Inc	VA	$221,122
Lynchburg Neighborhood Development Foundation	VA	$64,748
Harrisonburg Redevelopment and Housing Authority	VA	$42,000
Commonwealth of Virginia	VA	$60,855
Hampton-Newport News Community Services Board	VA	$230,265
Portsmouth Area Resources Coalition, Inc	VA	$104,712
Community Alternatives Management Group, Inc	VA	$346,666
Sheltered Homes of Alexandria	VA	$77,748
New Hope Housing, Inc	VA	$121,850
New Hope Housing, Inc	VA	$58,850
Community Alternatives Management Group, Inc	VA	$20,288
Department of Human Services	VI	$67,200
Department of Human Services	VI	$252,267
Methodist Training & Outreach Center, Inc	VI	$168,424
Champlain Valley Office of Economic Opportunity	VT	$222,440
Addison County Community Action Group	VT	$145,045
Vermont State Housing Authority	VT	$37,247
Vermont State Housing Authority	VT	$62,913
Vermont State Housing Authority	VT	$436,368
Vermont State Housing Authority	VT	$369,588
Vermont State Housing Authority	VT	$38,535
Vermont State Housing Authority	VT	$148,815
Vermont State Housing Authority	VT	$90,945
Vermont State Housing Authority	VT	$56,509
Vermont State Housing Authority	VT	$71,642
Vermont State Housing Authority	VT	$55,524
Vermont State Housing Authority	VT	$30,000
Vermont State Housing Authority	VT	$69,904
Vermont State Housing Authority	VT	$ 8,427
Howard Center	VT	$200,402
Vermont State Housing Authority	VT	$309,228
Vermont State Housing Authority	VT	$122,466
Howard Center	VT	$181,146
Burlington Housing Authority	VT	$75,456
Burlington Housing Authority	VT	$107,820
Brattleboro Housing Authority	VT	$202,944
City of Seattle Human Services Department	WA	$548,598
Housing Authority of Snohomish County	WA	$2,340,480
Housing Authority of Snohomish County	WA	$118,080
City of Spokane	WA	$44,028
City of Spokane	WA	$106,003
City of Spokane	WA	$106,082
City of Spokane	WA	$38,802
Women's Resource Center	WA	$38,758
City of Spokane	WA	$77,175
City of Spokane	WA	$27,739
City of Spokane	WA	$51,424
City of Seattle Human Services Department	WA	$299,978
City of Seattle Human Services Department	WA	$517,251
City of Spokane	WA	$99,584
City of Seattle Human Services Department	WA	$81,370
City of Spokane	WA	$27,536
Spokane Neighborhood Action Programs	WA	$134,839
City of Bremerton	WA	$95,820
Yakima County	WA	$70,937

Recipient	State	Amount
Spokane Neighborhood Action Programs	WA	$133,448
City of Bremerton	WA	$43,380
City of Bremerton	WA	$33,720
The Family Support Center of South Sound	WA	$54,810
City of Spokane	WA	$93,161
City of Spokane	WA	$76,526
City of Spokane	WA	$62,396
City of Spokane	WA	$87,781
King, County of	WA	$251,744
Columbia River Mental Health Services	WA	$126,862
Next Step Housing	WA	$46,835
Housing Hope	WA	$29,828
Housing Hope	WA	$80,315
King, County of	WA	$63,258
Auburn Youth Resources	WA	$123,286
King, County of	WA	$303,975
Snohomish, County of	WA	$161,705
King, County of	WA	$74,613
King, County of	WA	$979,332
King, County of	WA	$3,658,944
King, County of	WA	$788,256
King, County of	WA	$121,939
King, County of	WA	$140,085
King, County of	WA	$99,739
Snohomish, County of	WA	$87,928
Yakima County	WA	$31,218
Yakima County	WA	$48,189
Yakima County	WA	$10,815
Yakima County	WA	$10,813
Snohomish, County of	WA	$175,171
Snohomish, County of	WA	$70,369
Snohomish, County of	WA	$75,435
Snohomish, County of	WA	$163,659
Snohomish, County of	WA	$43,636
Snohomish, County of	WA	$110,916
Friends of Youth	WA	$123,062
Snohomish, County of	WA	$35,931
Snohomish, County of	WA	$164,820
Snohomish, County of	WA	$81,523
Lewis County	WA	$108,814
Snohomish, County of	WA	$23,609
City of Seattle Human Services Department	WA	$443,471
Okanogan Behavioral HealthCare	WA	$362,625
YWCA of Seattle-King County-Snohomish County	WA	$85,614
YWCA of Seattle-King County-Snohomish County	WA	$167,867
City of Seattle Human Services Department	WA	$116,397
YWCA of Seattle-King County-Snohomish County	WA	$29,683
YWCA of Seattle-King County-Snohomish County	WA	$72,245
YWCA of Seattle-King County-Snohomish County	WA	$42,540
City of Seattle Human Services Department	WA	$507,350
YWCA of Seattle-King County-Snohomish County	WA	$57,320
Church Council of Greater Seattle	WA	$57,278
City of Seattle Human Services Department	WA	$105,000
City of Seattle Human Services Department	WA	$545,049
City of Seattle Human Services Department	WA	$696,732
City of Seattle Human Services Department	WA	$326,054
Multi-Service Center	WA	$26,724
YWCA of Seattle-King County-Snohomish County	WA	$103,619
WA State Department of Community, Trade and Economic Develop	WA	$143,082
City of Seattle Human Services Department	WA	$114,450
Building Changes	WA	$387,191
City of Seattle Human Services Department	WA	$586,377
City of Seattle Human Services Department	WA	$168,153
City of Spokane	WA	$88,698
City of Seattle Human Services Department	WA	$492,048
YWCA of Seattle-King County-Snohomish County	WA	$78,878
City of Seattle Human Services Department	WA	$25,422
United Indians of All Tribes Foundation	WA	$343,565
City of Seattle Human Services Department	WA	$121,545
City of Seattle Human Services Department	WA	$183,540
City of Seattle Human Services Department	WA	$84,906
City of Seattle Human Services Department	WA	$181,306
City of Seattle Human Services Department	WA	$1,149,355
City of Seattle Human Services Department	WA	$838,688

Recipient	State	Amount
City of Seattle Human Services Department	WA	$80,012
Archdiocesan Housing Authority	WA	$201,576
Community Services Northwest	WA	$91,700
Kent Youth and Family Services	WA	$38,134
Benton Franklin Community Action Committee	WA	$125,704
Benton Franklin Community Action Committee	WA	$74,472
Bellingham Housing Authority	WA	$207,000
Bellingham Housing Authority	WA	$804,276
YW Housing	WA	$92,365
Pierce County	WA	$59,886
YW Housing	WA	$51,052
Low Income Housing Institute	WA	$36,141
Development Association of the Goodwill Baptist Church	WA	$28,596
Development Association of the Goodwill Baptist Church	WA	$56,642
Share	WA	$61,267
Archdiocesan Housing Authority	WA	$105,422
Serenity House of Clallam County	WA	$138,769
El Centro de la Raza	WA	$17,603
Olympic Community Action Programs	WA	$135,599
Washington Gorge Action Programs	WA	$110,680
Spokane County, Washington State	WA	$40,752
Spokane County, Washington State	WA	$38,717
Housing Authority of the City of Bremerton	WA	$136,450
The Salvation Army	WA	$253,988
The Salvation Army	WA	$77,838
Joint City of Republic-Ferry County Housing Authority	WA	$36,316
Triumph Treatment Services	WA	$158,792
Kitsap County Consolidated Housing Authority	WA	$24,938
King County Department of Community and Human Services	WA	$624,566
Sun Community Service	WA	$36,013
Archdiocesan Housing Authority	WA	$197,739
Housing Authority of Thurston County	WA	$133,921
Mason County Shelter	WA	$100,894
Seattle Housing Authority	WA	$ 9,896
Opportunity Council	WA	$656,639
Opportunity Council	WA	$140,868
Opportunity Council	WA	$84,130
Community Youth Services	WA	$151,516
Housing Authority of the City of Vancouver	WA	$123,216
Housing Authority of the City of Vancouver	WA	$34,429
Housing Authority of the City of Vancouver	WA	$83,229
Housing Authority of Island County	WA	$38,088
Blue Mountain Action Council	WA	$142,724
YouthCare	WA	$105,602
YouthCare	WA	$151,856
Columbia Gorge Housing Authority	WA	$31,980
Northwest Youth Services	WA	$266,389
Solid Ground Washington	WA	$158,620
Serenity House of Clallam County	WA	$142,951
Compass Health	WA	$34,600
Compass Health	WA	$57,259
Compass Health	WA	$189,598
Benton and Franklin Counties Department of Human Services	WA	$89,448
Child Care Resources	WA	$529,095
Council for the Homeless	WA	$72,697
Housing Authority City of Kelso	WA	$84,420
Community Psychiatric Clinic	WA	$348,156
Community Psychiatric Clinic	WA	$75,171
Walla Walla County	WA	$66,101
Skagit County Community Action Agency	WA	$50,054
The Compass Center, a Lutheran Organization	WA	$26,284
Compass Health	WA	$41,393
City of Spokane	WA	$280,581
City of Spokane	WA	$85,723
Pierce County	WA	$95,882
City of Spokane	WA	$67,164
City of Spokane	WA	$141,864
Pierce County	WA	$348,301
City of Spokane	WA	$118,908
City of Spokane	WA	$56,251
City of Spokane	WA	$14,917
Pierce County	WA	$173,112
Pierce County	WA	$32,444
City of Spokane	WA	$60,336

Recipient	State	Amount
Pierce County	WA	$29,512
City of Spokane	WA	$15,491
Pierce County	WA	$57,240
Pierce County	WA	$92,980
Pierce County	WA	$89,527
YW Housing	WA	$167,989
Pierce County	WA	$267,129
Pierce County	WA	$45,150
Pierce County	WA	$172,691
Pierce County	WA	$143,477
Pierce County	WA	$24,741
Pierce County	WA	$140,025
City of Spokane	WA	$178,848
Pierce County	WA	$24,324
Pierce County	WA	$78,273
Pierce County	WA	$36,902
Pierce County	WA	$34,106
HopeSource	WA	$46,346
City of Spokane	WA	$42,621
Pierce County	WA	$66,539
Pierce County	WA	$111,377
Community Action Center	WA	$19,152
Vietnam Veterans Leadership Program	WA	$23,579
Pierce County	WA	$166,840
Pierce County	WA	$205,076
Pierce County	WA	$55,005
Low Income Housing Institute	WA	$398,905
Pierce County	WA	$168,567
Low Income Housing Institute	WA	$56,085
Low Income Housing Institute	WA	$31,500
City of Spokane	WA	$167,591
City of Spokane	WA	$27,799
St. Aemilian-Lakeside, Inc	WI	$167,828
Community Development Partners, Inc	WI	$103,410
Community Development Partners, Inc	WI	$85,714
Porchlight, Inc	WI	$111,373
Tellurian UCAN, Inc	WI	$10,666
Family Service of Racine	WI	$51,969
Porchlight, Inc	WI	$62,194
Porchlight, Inc	WI	$123,640
ADVOCAP, Inc	WI	$197,658
American Red Cross in Southeastern Wisconsin	WI	$99,240
American Red Cross in Southeastern Wisconsin	WI	$304,389
American Red Cross in Southeastern Wisconsin	WI	$636,776
Community Action, Inc. of Rock & Walworth Counties	WI	$517,583
ADVOCAP, Inc	WI	$110,216
Couleecap, Inc	WI	$254,126
Health Care for the Homeless of Milwaukee, Inc	WI	$50,596
Health Care for the Homeless of Milwaukee, Inc	WI	$85,116
Health Care for the Homeless of Milwaukee, Inc	WI	$119,356
ADVOCAP, Inc	WI	$158,583
Homeless Assistance Leadership Organization, Inc	WI	$58,859
Homeless Assistance Leadership Organization, Inc	WI	$246,075
Center for Veterans Issues, Ltd	WI	$132,021
Center for Veterans Issues, Ltd	WI	$415,911
Center for Veterans Issues, Ltd	WI	$170,568
North Central Community Action Program, Inc	WI	$177,165
Legal Action of WI, Inc,	WI	$80,536
Kenosha Human Development Services, Inc	WI	$140,940
Kenosha Human Development Services, Inc	WI	$126,519
Guest House of Milwaukee, Inc	WI	$180,454
City of Waukesha Housing Authority	WI	$144,841
City of Waukesha Housing Authority	WI	$112,555
Center for Veterans Issues, Ltd	WI	$94,831
Guest House of Milwaukee, Inc	WI	$837,503
YWCA of Madison, Inc	WI	$375,095
Walker's Point Youth and Family Center	WI	$195,781
Guest House of Milwaukee, Inc	WI	$196,230
City of Waukesha Housing Authority	WI	$692,760
YWCA Greater Milwaukee	WI	$33,580
Community Development Partners, Inc	WI	$23,311
Community Action Coalition for South Central Wisconsin, Inc	WI	$226,190
Community Development Partners, Inc	WI	$12,101
City of Madison	WI	$50,768

Recipient	State	Amount
YWCA Greater Milwaukee	WI	$82,969
Porchlight, Inc	WI	$162,742
Porchlight, Inc	WI	$344,766
Tellurian UCAN, Inc	WI	$155,106
St. Catherine Residence, Inc	WI	$144,480
Tellurian UCAN, Inc	WI	$64,575
Tellurian UCAN, Inc	WI	$55,749
Tellurian UCAN, Inc	WI	$249,165
Couleecap, Inc	WI	$366,316
Project New Life, CDC	WI	$152,028
Community Action Coalition for South Central Wisconsin, Inc	WI	$165,020
Western Dairyland Economic Opportunity Council, Inc	WI	$264,926
CAP Services, Inc	WI	$105,025
City of Appleton	WI	$177,763
Starting Points, Inc	WI	$509,064
Hope House of Milwaukee, Inc	WI	$41,963
Hope House of Milwaukee, Inc	WI	$579,715
Hope House of Milwaukee, Inc	WI	$30,679
The Road Home Dane County	WI	$54,995
The Road Home Dane County	WI	$247,280
West Central Wisconsin Community Action Agency, Inc	WI	$434,523
Community Advocates, Inc	WI	$84,000
Starting Points, Inc	WI	$117,400
The Salvation Army	WI	$229,270
Starting Points, Inc	WI	$182,197
Housing Initiatives, Inc	WI	$11,659
Dane County, WI	WI	$608,028
The Salvation Army	WI	$31,474
The Salvation Army	WI	$307,635
State of Wisconsin	WI	$235,728
Legal Action of Wisconsin	WI	$111,300
Meta House, Inc	WI	$121,092
YWCA of the Coulee Region Transitional Housing Program	WI	$74,290
Meta House, Inc	WI	$328,031
Meta House, Inc	WI	$130,385
City of Appleton	WI	$51,513
State of Wisconsin	WI	$364,486
Women's Resource Center of Racine	WI	$19,066
Community Action, Inc. of Rock & Walworth Counties	WI	$85,079
Lakeshore CAP, Inc	WI	$117,663
Northwest Wisconsin Community Services Agency Inc	WI	$92,612
The Salvation Army	WI	$42,500
County of Milwaukee	WI	$2,751,864
County of Milwaukee	WI	$419,979
Community Advocates, Inc	WI	$344,544
Northwest Wisconsin Community Services Agency Inc	WI	$113,670
Community Advocates, Inc	WI	$120,514
Community Relations-Social Development Commission	WI	$450,454
Central Wisconsin Community Action Council, Inc	WI	$262,322
Hebron House of Hospitality, Inc	WI	$116,535
Transitional Living Services, Inc	WI	$114,428
Catherine Marian Housing, Inc	WI	$55,053
Matt Talbot Recovery Center, Inc	WI	$235,625
Women's Resource Center of Racine	WI	$16,963
Forward Service Corporation	WI	$402,991
Racine Vocational Ministry, Inc	WI	$28,941
Family Services of Northeast Wisconsin	WI	$159,800
The Salvation Army	WI	$38,193
My Home, Your Home Inc	WI	$183,547
Legal Action of Wisconsin, Inc	WI	$16,000
Women and Children's Horizons Inc	WI	$220,566
Hebron House of Hospitality, Inc	WI	$167,070
Religious Coalition for Community Renewal	WV	$72,513
Telamon Corporation	WV	$70,209
Telamon Corporation	WV	$14,347
Roark-Sullivan Lifeway Center	WV	$250,071
Caritas House, Inc	WV	$131,158
Huntington West Virginia Housing Authority	WV	$320,100
Young Women's Christian Association of Charleston, WV	WV	$174,126
Young Women's Christian Association of Charleston, WV	WV	$62,697
Young Women's Christian Association of Charleston, WV	WV	$29,859
Community Networks, Inc	WV	$76,756
Huntington West Virginia Housing Authority	WV	$145,500
Huntington West Virginia Housing Authority	WV	$116,400

Recipient	State	Amount
Huntington West Virginia Housing Authority	WV	$38,274
Huntington West Virginia Housing Authority	WV	$74,990
Greater Wheeling Coalition for the Homeless	WV	$26,536
Huntington West Virginia Housing Authority	WV	$368,064
Stop Abusive Family Environments, Inc	WV	$135,799
Kanawha Valley Collective, Inc	WV	$14,000
Greater Wheeling Coalition for the Homeless	WV	$11,200
Greater Wheeling Coalition for the Homeless	WV	$135,796
Greater Wheeling Coalition for the Homeless	WV	$250,272
Cabell-Huntington Coalition for the Homeless, Inc	WV	$423,622
Cabell-Huntington Coalition for the Homeless, Inc	WV	$110,646
City of Charleston	WV	$99,144
Community Action Partnership of Natrona County	WY	$113,175
Women's Self Help Center, Inc	WY	$98,723
Wyoming Community Network	WY	$66,666
Council of Community Services	WY	$61,016
Mendocino County Health and Human Services Agency	CA	$132,134
New Jersey Department of Community Affairs	NJ	$850,440
NYS OFFICE OF Alcoholism and Substance Abuse Services	NY	$188,112
YWCA of Binghamton	NY	$107,081
YWCA of Binghamton	NY	$152,076
Total		$1,417,604,582

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Federal Register

Tuesday,
September 15, 2009

Part III

Environmental Protection Agency

40 CFR Parts 52 and 81

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Columbus Area to Attainment for Ozone; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2009–0220; FRL–8952–2]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Columbus Area to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking several related actions affecting the Columbus, Ohio 1997 8-hour ozone nonattainment area. EPA is making a determination under the Clean Air Act (CAA) that the Columbus area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). The Columbus area includes Delaware, Fairfield, Franklin, Knox, Licking, and Madison Counties. This determination is based on quality-assured ambient air quality monitoring data for the 2006–2008 ozone seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the area. Preliminary 2009 air quality data show that the area continues to attain the 8-hour ozone standard. EPA is approving, as a revision to the Ohio State Implementation Plan (SIP), the state's plan for maintaining the 8-hour ozone NAAQS through 2020 in the area. EPA is approving a request from the state of Ohio to redesignate the Columbus area to attainment of the 8-hour ozone NAAQS. EPA is approving the 2002 base year emissions inventory for the Columbus area as meeting the requirements of the CAA. Finally, EPA finds adequate and is approving the state's 2012 and 2020 volatile organic compound (VOC) and oxides of nitrogen (NO_X) Motor Vehicle Emission Budgets (MVEBs) for the Columbus area.

DATES: This final rule is effective September 15, 2009.

ADDRESSES: EPA has established a docket for this action: Docket ID No. EPA–R05–OAR–2009–0220. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886–1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

Table of Contents

I. What Is the Background for This Rule?
II. What Comments Did We Receive on the Proposed Rule?
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IV. Statutory and Executive Order Reviews

I. What Is the Background for This Rule?

A. What Is the General Background Information?

On July 18, 1997 (62 FR 38856), EPA promulgated an 8-hour ozone standard of 0.08 parts per million (ppm). EPA published a final rule designating and classifying areas under the 1997 8-hour ozone NAAQS on April 30, 2004 (69 FR 23857).

On March 12, 2008, EPA promulgated a more stringent 8-hour ozone standard of 0.075 ppm. This rule was published in the **Federal Register** on March 27, 2008 (73 FR 16436). It is expected that EPA will designate nonattainment areas under the 2008 8-hour ozone standard in 2010. Today's approval of Ohio's SIP revision addresses only the status of the Columbus area with respect to the 1997 8-hour ozone standard.

The background for today's actions with respect to the 1997 ozone standard is discussed in detail in EPA's June 12, 2009, proposal (74 FR 27973). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 1997 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm. (See 69 FR 23857 (April 30, 2004) for further information). The data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90%, and no single year has less than 75% data completeness, as determined in accordance with Appendix I of Part 50.

Under the CAA, EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E).

On March 17, 2009, the Ohio EPA submitted a request to redesignate the Columbus area to attainment of the 8-hour ozone standard. The request included three years of complete, quality-assured data for the period of 2006 through 2008, indicating the 8-hour NAAQS for ozone had been achieved. The area continues to attain the standard based on preliminary data available in 2009. The June 12, 2009, proposed rule provides a detailed discussion of how Ohio met this and other CAA requirements.

B. What Are the Impacts of the December 22, 2006, and June 8, 2007, United States Court of Appeals Decisions Regarding EPA's Phase 1 Implementation Rule?

On December 22, 2006, in *South Coast Air Quality Management Dist.* v. *EPA,* the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's Phase 1 Implementation Rule for the 8-hour ozone standard (69 FR 23951, April 30, 2004). 472 F.3d 882 (D.C. Cir. 2006). On June 8, 2007, in response to several petitions for rehearing, the D.C. Circuit Court clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been successfully challenged. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 485 F.3d 1245 (D.C. Cir. 2007). Therefore, the Phase 1 Rule provisions related to classifications for areas currently classified under subpart 2 of Title I, part D of the CAA as 8-hour nonattainment areas, the 8-hour attainment dates, and the timing for emissions reductions needed for attainment of the 8-hour ozone NAAQS, remain effective. The June 8th decision left intact the Court's rejection of EPA's reasons for implementing the 8-hour standard in certain nonattainment areas under subpart 1 in lieu of subpart 2. By limiting the vacatur, the Court let stand EPA's revocation of the 1-hour standard and those anti-backsliding provisions of the Phase 1 Rule that had not been successfully challenged. The June 8th decision reaffirmed the Court's December 22, 2006, decision that EPA

had improperly failed to retain four measures required for 1-hour nonattainment areas under the anti-backsliding provisions of the regulations: (1) Nonattainment area New Source Review (NSR) requirements based on an area's 1-hour nonattainment classification; (2) section 185 penalty fees for 1-hour severe or extreme nonattainment areas; (3) measures to be implemented pursuant to section 172(c)(9) or 182(c)(9) of the CAA, contingent on an area not making reasonable further progress toward attainment of the 1-hour NAAQS, or for failure to attain that NAAQS; and (4) certain transportation conformity requirements for certain types of Federal actions. The June 8th decision clarified that the Court's reference to conformity requirements was limited to requiring the continued use of 1-hour motor vehicle emissions budgets until 8-hour budgets were available for 8-hour conformity determinations.

For the reasons set forth in the proposal, EPA does not believe that the Court's rulings alter any requirements relevant to this redesignation action so as to preclude redesignation. EPA believes that the Court's December 22, 2006, and June 8, 2007, decisions impose no impediment to moving forward with redesignation of this area to attainment, because, even in light of the Court's decisions, redesignation is appropriate under the relevant redesignation provisions of the CAA and longstanding policies regarding redesignation requests.

With respect to the requirement for transportation conformity under the 1-hour standard, the Court in its June 8th decision clarified that, for those areas with 1-hour motor vehicle emissions budgets in their maintenance plans, anti-backsliding requires only that those 1-hour budgets must be used for 8-hour conformity determinations until replaced by 8-hour budgets. To meet this requirement, conformity determinations in such areas must comply with the applicable requirements of EPA's conformity regulations at 40 CFR part 93.

C. What Are the Impacts of the Clean Air Interstate Rule (CAIR) Remand?

As discussed in greater detail in the proposal, EPA has considered the relationship of the Columbus area's maintenance plan to the reductions currently required pursuant to the Clean Air Interstate Rule. This rule was remanded to EPA, and the process of developing a replacement rule is ongoing. However, the remand of CAIR does not alter the requirements of the NO_X SIP Call and Ohio has now demonstrated that the area can maintain without any additional requirements (beyond those required by the NO_X SIP Call). Therefore, EPA believes that Ohio's demonstration of maintenance under sections 175A and 107(d)(3)(E) remains valid.

The NO_X SIP Call requires states to make significant, specific emissions reductions. It also provided a mechanism, the NO_X Budget Trading Program, which states could use to achieve those reductions. When EPA promulgated CAIR, it discontinued (starting in 2009) the NO_X Budget Trading Program, 40 CFR 51.121(r), but created another mechanism—the CAIR ozone season trading program—which states could use to meet their SIP Call obligations, 70 FR 25289–90. EPA notes that a number of states, when submitting SIP revisions to require sources to participate in the CAIR ozone season trading program, removed the SIP provisions that required sources to participate in the NO_X Budget Trading Program. In addition, because the provisions of CAIR including the ozone season NO_X trading program remain in place during the remand, EPA is not currently administering the NO_X Budget Trading Program. Nonetheless, all states, regardless of the current status of their regulations that previously required participation in the NO_X Budget Trading Program, will remain subject to all of the requirements in the NO_X SIP Call even if the existing CAIR ozone season trading program is withdrawn or altered. In addition, the anti-backsliding provisions of 40 CFR 51.905(f) specifically provide that the provisions of the NO_X SIP Call, including the statewide NO_X emission budgets, continue to apply after revocation of the 1-hour standard.

In the case of Ohio, the state has retained the SIP provisions requiring sources to participate in the NO_X Budget Trading Program. Ohio EPA is in the process of promulgating a rule change stating that the NO_X Budget Trading Program would not be applicable so long as CAIR remains in place. However, the drafted rule revision also provides that should CAIR requirements be removed, the NO_X Budget Trading Program would once again apply, on condition that EPA maintains a NO_X Budget Trading Program.

All NO_X SIP Call states have SIPs that currently satisfy their obligations under the SIP Call, the SIP Call reduction requirements are being met, and EPA will continue to enforce the requirements of the NO_X SIP Call even after any response to the CAIR remand. For these reasons, EPA believes that regardless of the status of the CAIR program, the NO_X SIP call requirements can be relied upon in demonstrating maintenance. Here, the state has demonstrated maintenance based in part on those requirements.

II. What Comments Did We Receive on the Proposed Rule?

EPA provided a 30-day review and comment period. The comment period closed on July 13, 2009. EPA received comments in support of the redesignation from the Mid-Ohio Regional Planning Commission and adverse comments from the National Resources Defense Council (NRDC). A summary of the comments received, and EPA's responses, follow.

(1) *Comment:* Ohio EPA's redesignation request fails to demonstrate compliance with the ozone NAAQS. The Franklin County New Albany monitor has a fourth-highest three-year average of 0.084 ppm, which is higher than the 0.08 ppm standard. EPA contends that the relevant standard is complied with because the area has achieved average 8-hour ozone concentrations less than 0.085 ppm. While 40 CFR part 50, Appendix I, purports to authorize such a rounding convention, its use here improperly inflates the 1997 standard from its actual value of 0.08 ppm and would allow an area to be considered to be in attainment even though it has fourth-highest 3-year average concentrations that exceed the actual ozone NAAQS. Such rounding approach has been rejected by EPA's own scientific advisory committee in developing the 2008 ozone NAAQS, and it would be arbitrary and capricious for EPA to use it here.

Response: EPA promulgated the 1997 8-hour ozone standard on July 18, 1997 (62 FR 38856). As part of this rulemaking, EPA promulgated 40 CFR 50 Appendix I, entitled ''Interpretation of the 8-hour Primary and Secondary National Ambient Air Quality Standards for Ozone,'' which provides rounding procedures under which observed values which round to 0.08 ppm are considered to reflect attainment of the standard. As discussed in detail in the proposed rule, an area is considered to be in attainment of the 8-hour ozone standard if the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year does not exceed 0.084 ppm. Comments regarding the adequacy of the 1997 8-hour ozone standard should have been submitted in response to the proposal on that standard and its implementing regulations that include the data handling and rounding

conventions 40 CFR Part 50 Appendix I. The definition of the standard as set forth in the applicable regulations cannot be challenged here. In addition, in adopting the 2008 standard, 0.075 ppm, EPA changed the ''degree of precision to which the level of the standard is specified to the thousandth ppm'' (72 FR 37882 (July 11, 2007)), expressing the standard out to three decimal places instead of two, as was previously done with the 1997 standard. While this was a different way of expressing the standard, it did not undermine the implementation of the 1997 standard. As stated in the final rulemaking on the 2008 standard: ''Truncating both the individual 8-hour averages used to determine the annual fourth maximum as well as the three-year average of the fourth maxima to the third decimal place is consistent with the approach used in Appendix I for the previous 8-hour ozone standard. 73 FR 16436, 16501 (March 27, 2008). The 2008 three-digit standard achieves the same result that would have been accomplished by adopting a 0.07 standard and permitting rounding up to 0.075. Thus it does not represent, as commenters contend, a repudiation of the result of rounding in the 1997 standard. It is therefore not only consistent with the existing statute and regulations, but entirely reasonable, for EPA to implement the 1997 standard as it has here.

(2) *Comment:* Redesignation is inappropriate because the Columbus area is out of attainment of the 2008 ozone standard, which is currently set at 0.075 ppm. As such, the Columbus area has not demonstrated compliance with the currently applicable NAAQS and, therefore, cannot be considered in attainment with CAA ozone standards. Redesignation to attainment under the 1997 standard would suspend Reasonable Further Progress (RFP) requirements and other measures that would enable the area to make progress toward attainment of the 2008 standard.

The ruling in *Wall* v. *EPA,* 265 F. 3d 426 (6th Cir. 2001), does not compel a different conclusion. In that case, redesignation for the Cincinnati area was challenged because, *inter alia*, another rulemaking proceeding had found that the area was certain or highly likely to require additional emission reductions. The court rejected the challenge because the other proceeding was not an attainment rulemaking and its data were outdated. In this case, however, Ohio has made a nonattainment recommendation under the 2008 standard using data that are not out of date, and thus redesignation to attainment here would not be reasonable. As the *Wall* court stated, ''[A]ny final determination regarding the adequacy of a maintenance plan will be made 'in light of the particular circumstances facing the area proposed for redesignation and based on all relevant information available at the time.' '' 265 F.3d at 430. A pending designation of nonattainment is relevant information that forecloses redesignation to attainment at this time.

Response: The area's status with respect to the 2008 standard does not foreclose redesignation for the 1997 standard. The redesignation being considered in this action is pertinent to only for the 1997 8-hour ozone standard. Designations for the 2008 8-hour standard have not yet occurred, and will be made in the future in accordance with the process for designating areas under the new standard. This redesignation rulemaking action is not related to that future designation action. As set forth above, the state's recommendation to designate the area as nonattainment for the 2008 standard does not, as commenters contend, foreclose redesignation of the area for purposes of the 1997 standard. EPA has not yet acted on the state's recommendation, and even had it done so, this would not prevent redesignation for the prior standard. Indeed, it would be inappropriate to retain the 1997 8-hour nonattainment designation, if no longer applicable, solely on the assumption that the Columbus area might be designated as nonattainment for the 2008 8-hour ozone standard in the future. EPA has in the past continued to redesignate areas under existing standards even after the adoption of new standards for the same pollutant. After adopting the 1997 8-hour ozone standard, EPA continued to redesignate areas for the 1-hour ozone standard until that standard was revoked. See, for example, Cincinnati redesignation, 70 FR 35946 (June 21, 2005).

Thus, even after the area receives its designation for the new standard, the 1997 8-hour ozone standard and the 2008 8-hour ozone standard are considered to be separable in terms of requiring emission controls and determining the area's attainment status. Subsequent to the adoption of the 2008 standard, EPA has continued to redesignate for the 1997 ozone standard those areas attaining that ozone standard and otherwise meeting redesignation requirements. See, for example, Detroit redesignation, 74 FR 30950 (June 29, 2009); Clearfield and Indiana Counties, Pennsylvania redesignation, 74 FR 11674 (March 19, 2009); Greene County, Pennsylvania redesignation, 74 FR 11671 (March 19, 2009); and Kewaunee County, Wisconsin redesignation, 73 FR 29436 (May 21, 2008).

Commenters have noted that the redesignation would be ''counterproductive'' because it would ''suspend RFP and other measures that would enable the area to make progress towards attainment of the 2008 standard.'' This contention, however, is not an obstacle to redesignaton for attainment of the 1997 ozone standard. The Sixth Circuit has previously approved as reasonable EPA's interpretation of what constitutes interference with a new standard under section 110(l), and it does not include ''that which does not advance'' as opposed to that which ''hinder[s] or make[s] worse.'' *Kentucky Resources Council* v. *EPA,* 467 F.3d 986, 995 (6th Cir. 2006). In any event, we have evaluated this redesignation with respect to section 110(l) and have determined that it will not interfere with attainment or maintenance of the 2008 ozone standard nor any other standard, since the area is attaining the 1997 ozone standard, no control measures are being removed from the SIP, and no implementation ceased. See *Id.* (showing deference to EPA's interpretation of section 110(l)). See also the discussion of 110(l) in the Cincinnati 1-hour ozone redesignation at 70 FR 35960. The rationale stated in the Cincinnati redesignation applies here as well:

> EPA does not believe that approving a maintenance plan containing existing control measures that the State has demonstrated will provide emission reductions sufficient to maintain the 1-hour ozone standard can in any way interfere with Ohio's obligations under the $PM_{2.5}$ and 8-hour ozone standards for Cincinnati. EPA is not approving any relaxation of the existing control measures so emissions of VOC and NO_X will not increase as a consequence of this action. Moreover, Ohio will still have to meet whatever obligations it may have regarding the implementation of the new standards and determining that existing control measures will provide for maintenance of the 1-hour standard does not impair nor interfere with the state's obligations regarding the new standards. EPA does not believe that section 110(l) transforms this redesignation action into an obligation for the State to comply with its SIP obligations for the new standards earlier than otherwise required which is the implication of the assertion that this action cannot proceed without a demonstration that additional control measures are not necessary to prevent interference with attainment of the $PM_{2.5}$ and 8-hour ozone standards. Moreover, the commenter does not present any evidence or even assert that there is anything about any of the control measures contained in the maintenance plan that would

somehow interfere with $PM_{2.5}$, 8-hour ozone attainment, or other requirements. EPA does not believe that approval of this maintenance plan would interfere with the 8-hour ozone or $PM_{2.5}$ attainment or other obligations applicable to the Cincinnati area. As Cincinnati's ability to implement those standards would be the same if this redesignation were not occurring, approval of the maintenance plan cannot interfere with the requirements applicable for those standards.

70 FR 35960 (June 21, 2005). Thus EPA has determined that the redesignation of the area does not interfere with attainment of the 2008 8-hour ozone standard and complies with the provisions of section 110(l) of the CAA.

(3) *Comment:* Ohio EPA has not provided an adequate maintenance plan. Ohio EPA has failed to fully satisfy the requirement that it include contingency measures for ensuring continued attainment that can take effect ''without further action by the State or EPA.'' 42 U.S.C. 7402(c)(9). EPA interprets that provision as requiring that the state or EPA need not take any ''further rulemaking activities'' in order for the contingency measures to be carried out. EPA, *State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 57 FR 13498, 13512; Greenbaum v. EPA, 370 F. 3d 527, 541 (6th Cir. 2004). While Ohio EPA has identified a series of possible contingency measures and triggers for possible implementation of those measures, the agency also notes that ''adoption of any additional control measures is subject to the necessary administrative and legal process * * * required by Ohio law for rulemaking.'' (Ohio EPA request, p. 37). EPA must ensure that Ohio EPA can adopt such additional control measures without the need for additional rulemaking before any redesignation for the Columbus area can be made.

Response: Section 175A of the CAA requires that a maintenance plan include contingency provisions, as EPA deems necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. Contrary to commenter's contention, these contingency measures are not the same as those required for nonattainment areas under sections 172(c)(9) and 182(c)(9). The statutory provision under section 175A for maintenance plan contingency measures to be employed after redesignation to attainment is distinct from the requirement for contingency measures for nonattainment areas prior to attainment. As explicitly discussed in EPA's September 4, 1992, redesignation policy memorandum from John Calcagni entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' ''For the purposes of section 175A, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved.'' EPA has applied this interpretation since 1992, and it has been referred to and relied upon by the Sixth Circuit. In *Greenbaum* v. *EPA,* cited by the commenters, the Sixth Circuit stated that under section 175A, the EPA ''has been granted broad discretion by Congress in determining what is 'necessary to assure' prompt correction.'' 370 F.3d at 540. In that case, the state had chosen to adopt as contingency measures under section 175A those measures that it had originally adopted pursuant to section 172(c)(9), so the measures happened to meet the requirement of that section that no further state action be necessary. But nothing mandates that section 175A contingency measures meet the strictures that apply solely to section 172(c)(9) measures. The General Preamble language cited by the commenters, that ''no further rulemaking activities by the State or EPA would be needed to implement the contingency measures,'' addresses contingency measures under section 172(c)(9). Indeed, the Sixth Circuit in *Greenbaum* pointed out that this limitation does not apply to contingency measures under section 175A, noting that the Calcagni memorandum states that ''[f]or the purposes of section 175A, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved.'' 370 F.3d at 541.

Ohio EPA included the following list of potential contingency measures in the maintenance plan for the Columbus area: a lower Reid vapor pressure gasoline program; VOC Reasonably Available Control Technology (RACT) on existing sources covered by EPA control technique guidelines issued after the 1990 CAA; lower applicability of VOC RACT rules to cover smaller existing sources; one or more transportation control measures sufficient to achieve at least half a percent reduction in actual area wide VOC emissions; alternative fuel and diesel retrofit programs for fleet vehicle operations; high volume, low pressure coating application requirements for autobody facilities; regulations for cold cleaner degreaser operations (low vapor pressure solvents); VOC or NO_X emission offsets for new and modified major sources; VOC or NO_X emission offsets for new and modified minor sources; VOC or NO_X controls on new minor sources (less than 100 tons per year (tpy)); increase in the ratio of emission offsets required for new sources; and, NO_X RACT for existing combustion sources. The state can choose to implement one or more of these measures as necessary to correct a violation of the standard. As set forth in the proposal, we find that the contingency measures included in the maintenance plan are adequate to assure that the state will promptly correct a future violation of the standard that occurs after redesignation.

(4) *Comment:* Ohio EPA has not provided any information showing that it has adequate resources to enforce the steps relied on in the maintenance plan. Such information is required by 42 U.S.C. 7410(a)(2)(C) which requires that each plan ''include a program to provide for the enforcement of measures'' described in the plan, and 40 CFR 51.280, which requires a ''description of the resources available to the State and local agencies * * * and any additional resources needed to carry out the plan'' for the next five years. Ohio EPA, however, has simply asserted that it ''has the legal authority and necessary resources to actively enforce any violations of its rules or permit provisions.'' (Ohio EPA Request, p. 35). The agency has not identified what those resources are, or explained how they are purportedly adequate to ensure enforcement of the plan. This shortcoming is especially troublesome given that Ohio faces a $3.2 billion budget deficit and will likely be cutting agency budgets to try to close that gap.

Response: As discussed in detail in the proposal, section 107(d)(3)(E) of the CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E)(v) allows for redesignation provided that, among other things, the area has met all applicable requirements under section 110 and Part D. Section 110(a) of Title I of the CAA contains the general requirements for a SIP, including the requirement that the state provide ''necessary assurances that the State * * * will have adequate personnel, funding, and authority under state * * * law to carry out such implementation plan * * *.'' The courts are in agreement that: ''Congress has left to the Administrator's sound discretion determination of what assurances are 'necessary.' '' *NRDC* v. *EPA,* 478 F.2d 875, 884 (1st Cir. 1973); *Friends of the Earth* v. *EPA,* 499 F. 2d 1118, 1126 (2d. Cir. 1974), *BCCA Appeal Group* v. *EPA,*

355 F. 3d 817 (5th Cir. 2003). In a December 5, 2007, SIP submittal, Ohio EPA asserted that it continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program, and effectively enforce all applicable requirements. In support of Ohio EPA's assertion that the state continues to staff and implement a vigorous enforcement program, the submittal included Ohio EPA's Enforcement Report: 2006. As documented in the report, Ohio's Division of Air Pollution Control reduced 160 tpy VOC and 419 tpy NO_X through enforcement actions, secured $1,248,917 in penalties and issued 41 orders. In addition, the department resolved 96% of its enforcement cases older than 21 months and all verified complaints within two years. With respect to legal authority, Ohio Revised Code 3704.03 provides the Director of Ohio EPA with the authority to develop rules and regulations necessary to meet state and Federal ambient air quality standards and to implement the program.

The Court found that EPA was entitled to rely on the state's certification that the SIP was a valid exercise of its legal authority. See *Ohio Envtl. Council* v. *EPA, 593 F.2d 24, 28 (6th Cir. 1979).* In *BCCA* v. *EPA,* the Fifth Circuit Court of Appeals found that the state had ''provided a general assurance that its fiscal and manpower resources were adequate to implement the SIP as a whole.'' The Court also determined that the Houston, Texas SIP ''provided a detailed discussion about the legal authority of state and local agencies to implement, maintain, and enforce the plan as a whole, including citations to applicable law.'' 355 F.3d at 844. The Fifth Circuit found that, ''[b]ased on its past experience with Texas's air quality program and its relationship with the state, the EPA determined that these assurances regarding funding, resources, and legal authority met the minimum requirements of § 7410(a)(2)(E).'' Finding that EPA had also evaluated the state's funding and resources and determined they were adequate, the Court concluded that EPA approval was in compliance with the CAA and not arbitrary and capricious. 355 F.3d at 843–845.

Commenters here raise the identical claim regarding section 110 (a)(2)(C) and 40 CFR 51.280 that petitioners set forth in the Cincinnati 1-hour ozone redesignation case *Wall* v. *EPA,* 265 F. 3d 426 (6th Cir. 2001). In *Wall,* the Sixth Circuit concluded that ''there is no language in the CAA or in the EPA's regulations that specifically requires that a separate commitment be made within the maintenance plans themselves. Thus, the EPA permissibly determined that Kentucky and Ohio fulfilled the requirement of submitting a 'program to provide for enforcement of the [maintenance] measures' when such measures were already approved in their earlier SIPs.'' Id. at 438.

As pointed out in the *Wall* case, EPA has previously approved the state SIP as meeting 110(a)(2)(C) requirements in acting on the state's 1-hour ozone SIP. The enforcement of the 8-hour ozone standard is a continuation of this same enforcement program, and the state has submitted confirmation that the area's 8-hour SIP continues to meet those requirements.

In addition, EPA periodically reviews state enforcement programs for adequacy. The EPA Office of Enforcement and Compliance Assurance, EPA's ten regions, the Environmental Council of States Compliance Committee, and other state representatives jointly developed a method to assess state performance in the enforcement and compliance assurance program. EPA performs this assessment on a four-year cycle. The most recent assessment of Ohio EPA's enforcement program using this framework was released by EPA on September 27, 2007. In that assessment, EPA found that Ohio EPA is implementing an adequate enforcement program. Ohio EPA's enforcement actions have been found to be generally successful at bringing sources back into compliance in a specific time frame, with well-defined penalties. Further, Ohio EPA's inspection reports meet the requirements of EPA's Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS). While EPA noted that Ohio EPA could make improvements regarding reporting issues and timeliness of enforcement actions, the state has since addressed these concerns by implementing the corrective actions recommended by EPA in that assessment.

In addition, as required under 40 CFR 35.115, EPA reviews Ohio EPA's air pollution control activities, including enforcement, on a yearly basis. In EPA's most recent review, dated February 24, 2009, EPA found no areas of concern regarding Ohio EPA's ability to adequately implement and enforce its air control programs. During the 2008 Federal fiscal reporting year, Ohio EPA's commitment under the CMS was to complete 342 Title V source full compliance evaluations. There were 375 full compliance evaluations reported to EPA's AIRS Facility Subsystem (AFS) database. In addition, Ohio EPA exceeded the commitment to conduct 210 synthetic minor source full compliance evaluations by reporting 225 evaluations to AFS.

As in the *BCCA* case, the state has also certified that it has adequate legal authority, and based on EPA's past experience with the state's air quality program and its relationship with the state, as well as its evaluation of the current situation, EPA has determined that these circumstances assure that the requirements of section 110(a)(2)(E) and section 110(a)(2)(C) have been met.

(5) *Comment:* EPA proposes that it can approve Ohio EPA's request to redesignate the Columbus area because the area is classified as a subpart 1 nonattainment area, to which subpart 2 requirements do not apply. This argument fails, however, because the subpart 1 classification has been vacated by the D.C. Circuit. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 472 F. 3d 882 (D.C. Cir. 2006). In the wake of the vacatur, EPA is proposing to redesignate subpart 1 nonattainment areas as moderate subpart 2 nonattainment areas, but this proposed rule has not been finalized (74 FR 2936). Because the current classification has been vacated, however, EPA cannot make use of that classification's requirements to avoid the stringent VOC and NO_X controls that are required before the Columbus area can be redesignated to attainment.

EPA contends that it can redesignate Columbus to attainment under subpart 1 now and then classify the area later as moderate nonattainment under subpart 2 when the proposed rule is finalized. The agency attempts to justify this proposal by saying that its policy is to evaluate requests for redesignation according to requirements in place at the time the request is submitted, rather than to retroactively impose requirements on the area. EPA's argument, however, ignores the fact that judicial decisions ''must be given full retroactive effect.'' *Harper* v. *Va. Dep't of Taxation,* 509 U.S. 86, 97 (1993). The U.S. District Court for the District of Columbia's decision to vacate the subpart 1 classifications demonstrates that the decision to exempt such nonattainment areas from subpart 2 requirements was never valid or effective and ''restores the status quo before the invalid rule took effect * * *.'' *Envtl. Def.* v. *Leavitt,* 329 F. Supp. 2d 55, 64 (D.D.C. 2004). As such, EPA can allow redesignation of the Columbus area only under the applicable subpart 2 requirements, not the less stringent and vacated subpart 1 classification.

Response: The CAA contains two sets of provisions, subpart 1 and subpart 2, that address planning and control requirements for nonattainment areas. (Both are found in Title I, part D, 42 U.S.C. 7501–7509a and 7511–7511f, respectively.) Subpart 1 contains general requirements for nonattainment areas for any pollutant, including ozone, governed by a NAAQS. Subpart 2 provides more specific requirements for ozone nonattainment areas.

On April 30, 2004 (69 FR 23857), EPA published a final rule designating and classifying areas under the 1997 8-hour ozone NAAQS. Under EPA's implementation rule for the 1997 8-hour ozone standard, (69 FR 23951 (April 30, 2004)), an area was classified under subpart 2 based on its 8-hour ozone design value, if it had a 1-hour design value at the time of designation at or above 0.121 ppm (the lowest 1-hour design value in table 1 of subpart 2) (69 FR 23954). All other areas were covered under subpart 1, based upon their 8-hour design values (69 FR 23958). The Columbus area was designated as a subpart 1, 8-hour ozone nonattainment area by EPA on April 30, 2004 (69 FR 23857, 23927) based on air quality monitoring data from 2001–2003 (69 FR 23860).

As noted by the commenter, on December 22, 2006, in *South Coast Air Quality Management Dist.* v. *EPA,* the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's Phase 1 Implementation Rule for the 8-hour Ozone Standard. On June 8, 2007, in response to several petitions for rehearing, the D. C. Circuit Court clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been successfully challenged. With respect to the 8-hour standard, the Court's ruling rejected EPA's reasons for classifying areas under subpart 1 for the 8-hour standard, and remanded that matter to the Agency. Despite the vacatur of classifications under subpart 1, subpart 1 requirements continue to apply to all nonattainment areas.

In its January 16, 2009, proposed rulemaking in response to the *South Coast* decision, EPA has proposed to classify Columbus under subpart 2 as a moderate area.[74] FR 2936, 2944. If EPA finalizes the January 16 rulemaking, new requirements for areas reclassified under subpart 2 will be become applicable for purposes of redesignation when they are due, a deadline that EPA has proposed to be one year after the effective date of a final rulemaking classifying areas as moderate or marginal. 74 FR 2940–2941.

Under EPA's longstanding interpretation of section 107(d)(3)(E) of the CAA, to qualify for redesignation, states requesting redesignation to attainment must meet only the relevant SIP requirements that came due prior to the submittal of a complete redesignation request. See September 4, 1992, Calcagni memorandum (''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division). See also Michael Shapiro Memorandum, September 17, 1993, and 60 FR 12459, 12465–66 (March 7, 1995) (Redesignation of Detroit-Ann Arbor). See *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004), which upheld this interpretation. See, *e.g.* also 68 FR 25418, 25424, 25427 (May 12, 2003) (redesignation of St. Louis).

At the time the redesignation request was submitted, the Columbus area was not classified under subpart 2, nor were there any subpart 2 requirements yet due for this area. As noted above, even if the Columbus area were reclassified under subpart 2, the new requirements would not become applicable for purposes of redesignation until they become due, a deadline that EPA has proposed to be one year after the effective date of a final rulemaking classifying areas as moderate or marginal. Moreover, it would be inequitable to retroactively apply any new SIP requirements that were not applicable at the time the request was submitted. The D.C. Circuit has recognized the inequity in such retroactive rulemaking. *Sierra Club* v. *Whitman,* 285 F.3d 63 (D.C. Cir. 2002). In any event, what Sierra Club sought—to have the effective date of EPA's court-ordered determination converted to the date the statute envisioned, rather than the actual date of EPA's action—was a form of relief the D.C. Circuit quite properly rejected. Court-ordered or not, EPA engaged in rulemaking. The Supreme Court has held that the Administrative Procedures Act prohibits retroactive rulemaking. See *Georgetown Univ. Hosp.* v. *Bowen,* 821 F.2d 750, 756–58 & n.11 (D.C. Cir. 1987), aff'd, 488 U.S. 204 (1988).

Thus, the D.C. Circuit concluded that even if EPA should have accomplished the reclassification at an earlier date, it would be wrong for EPA or the Court to impose requirements retroactive to that date without having given the state an opportunity to meet them. *Sierra Club* v. *Whitman,* 285 F.3d at 68. The commenter contends that here ''[t]he Court's decision to vacate the subpart 1 classifications 'restores the status quo before the invalid rule took effect * * *.' '' and then implies that the ''status quo'' is the applicable subpart 2 requirements. However, for areas such as Columbus, that were classified under subpart 1, the subpart 2 classification was not the status quo. There is no established ''status quo'' classification in light of the vacatur. EPA has not yet finalized the area's classification under subpart 2, and deadlines for submitting subpart 2 requirements have not yet been imposed on the areas that were classified as subpart 1. The Seventh Circuit in the St. Louis case agreed with EPA that, even after the St. Louis area was reclassified to serious, for purposes of redesignation the serious area requirements need not be met if the deadlines for their submission have not come due. *Sierra Club* v. *EPA,* 375 F.3d 537.

EPA is attempting to address the court's vacatur by establishing a classification system for the former subpart 1 areas. Until this is done, the only requirements currently applicable to these areas are the subpart 1 requirements applicable to all nonattainment areas.

III. What Action Is EPA Taking?

EPA is making a determination that the Columbus area has attained the 8-hour ozone NAAQS. EPA is also approving the maintenance plan SIP revision for the Columbus area. EPA's approval of the maintenance plan is based on Ohio's demonstration that the plan meets the requirements of section 175A of the CAA. After evaluating Ohio's redesignation request, EPA has determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. Therefore, EPA is approving the redesignation of the Columbus area from nonattainment to attainment for the 8-hour ozone NAAQS. EPA is approving the 2002 base year emissions inventory for the Columbus area as meeting the requirements of section 172(c)(3) of the CAA. Finally, EPA also finds adequate and is approving the state's 2012 and 2020 MVEBs for the Columbus area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C.

[1] As noted in the proposal, ''Areas originally covered under subpart 1 that have already been redesignated to attainment will not be affected by this rule * * *.'' 74 FR 2939.

553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3) which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this 8-hour ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Executive Order 12866; Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, September 30, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law, and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Redesignation is an action that merely affects the status of a geographical area, does not impose any new requirements on sources, or allows a state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the CAA.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

Because it is not a ''significant regulatory action'' under Executive Order 12866 or a ''significant energy action,'' this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTA), 15 U.S.C. 272, requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus to carry out policy objectives, so long as such standards are not inconsistent with applicable law or otherwise impracticable. In reviewing program submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Absent a prior existing requirement for the state to use voluntary consensus standards, EPA has no authority to disapprove a program submission for failure to use such standards, and it would thus be inconsistent with applicable law for EPA to use voluntary consensus standards in place of a program submission that otherwise satisfies the provisions of the Act. Redesignation is an action that affects the status of a geographical area but does not impose any new requirements on sources. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

The Congressional Review Act, 5 U.S.C. 801, *et seq.,* enacted pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that, before a rule may take effect, the agency promulgating the rule must submit a rule report which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 16, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of the action. This action may not be challenged later in proceedings to enforce its requirements. (See 42 U.S.C. 7607(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Air pollution control, Environmental protection, National parks, Wilderness areas.

Dated: August 26, 2009.

Walter W. Kovalick, Jr.,

Acting Regional Administrator, Region 5.

■ Parts 52 and 81, chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart KK—Ohio

■ 2. Section 52.1885 is amended by adding paragraphs (ff)(8) and (hh) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(8) Approval—On March 17, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Columbus area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2012 motor vehicle emissions budgets for the Columbus area are 54.86 tpd for VOC and 91.64 tpd for NO_X. The 2020 motor vehicle emissions budgets for the area are 36.60 tpd for VOC and 46.61 tpd for NO_X.

(hh) *8-hour Emissions Inventories.* (1) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Columbus area under the 1997 8-hour ozone standard.

(2) [Reserved].

PART 81-[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.336 is amended by revising the entry for Columbus, OH in the table entitled ''Ohio-Ozone (8-Hour Standard)'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO-OZONE (8-HOUR STANDARD)

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [1]	Type
*	*	*	*	*
Columbus, OH:				
Delaware County	9/15/09	Attainment.		
Fairfield County.				
Franklin County.				
Knox County.				
Licking County.				
Madison County.				
*	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. E9–21825 Filed 9–14–09; 8:45 am]

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Federal Register

Tuesday,
September 15, 2009

Part IV

Environmental Protection Agency

40 CFR Parts 52 and 81

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment for Ozone; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2009–0221; FRL–8952–1]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking several related actions affecting the Cleveland-Akron-Lorain, Ohio 1997 8-hour ozone nonattainment area. EPA is making a determination under the Clean Air Act (CAA) that the Cleveland-Akron-Lorain area (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties) has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). This determination is based on quality-assured ambient air quality monitoring data for the 2006–2008 ozone seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the area. Preliminary 2009 air quality data show that the area continues to attain the 8-hour ozone standard. EPA is approving, as a revision to the Ohio State Implementation Plan (SIP), the state's plan for maintaining the 8-hour ozone NAAQS through 2020 in the area. EPA is approving a request from the state of Ohio to redesignate the Cleveland-Akron-Lorain area to attainment of the 8-hour ozone NAAQS. EPA is approving the 2002 base year emissions inventory for the Cleveland-Akron-Lorain area as meeting the requirements of the CAA. EPA is approving Ohio's 15 percent (15%) Rate of Progress (ROP) plan as meeting the requirements of the CAA for the 1-hour ozone standard. EPA is also approving a waiver, for the Cleveland-Akron-Lorain area, from the oxides of nitrogen (NO_X) Reasonably Available Control Technology (RACT) requirements of section 182(f) of the CAA in relation to the 1997 8-hour ozone NAAQS. Finally, EPA finds adequate and is approving the state's 2012 and 2020 volatile organic compound (VOC) and oxides of nitrogen (NO_X) Motor Vehicle Emission Budgets (MVEBs) for the Cleveland-Akron-Lorain area.

DATES: This final rule is effective September 15, 2009.

ADDRESSES: EPA has established a docket for this action: Docket ID No. EPA–R05–OAR–2009–0221. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886–1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

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III. What Action is EPA Taking?
IV. Statutory and Executive Order Reviews

I. What is the Background for This Rule?

A. What is the General Background Information?

On July 18, 1997 (62 FR 38856), EPA promulgated an 8-hour ozone standard of 0.08 parts per million (ppm). EPA published a final rule designating and classifying areas under the 1997 8-hour ozone NAAQS on April 30, 2004 (69 FR 23857).

On March 12, 2008, EPA promulgated a more stringent 8-hour ozone standard of 0.075 ppm. This rule was published in the **Federal Register** on March 27, 2008 (73 FR 16436). It is expected that EPA will designate nonattainment areas under the 2008 8-hour ozone standard in 2010. Today's approval of Ohio's SIP revision addresses only the status of the Cleveland-Akron-Lorain area with respect to the 1997 8-hour ozone standard.

The background for today's actions with respect to the 1997 ozone standard is discussed in detail in EPA's June 12, 2009, proposal (74 FR 27957). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm. (See 69 FR 23857 (April 30, 2004) for further information). The data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90%, and no single year has less than 75% data completeness, as determined in accordance with Appendix I of Part 50.

Under the CAA, EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E).

On March 17, 2009 and April 24, 2009, the Ohio EPA submitted a request to redesignate the Cleveland-Akron-Lorain area to attainment of the 8-hour ozone standard. The request included three years of complete, quality-assured data for the period of 2006 through 2008, indicating the 8-hour NAAQS for ozone had been achieved. The area continues to attain the standard based on preliminary data available in 2009. The June 12, 2009, proposed rule provides a detailed discussion of how Ohio met this and other CAA requirements. Under EPA's proposal, final action to redesignate the Cleveland-Akron-Lorain area to attainment was contingent on final approval of Ohio rules satisfying the requirement for volatile organic compound (VOC) RACT. Such final approval was published on July 28, 2009 at 74 FR 37171.

B. What are the Impacts of the December 22, 2006, and June 8, 2007, United States Court of Appeals Decisions Regarding EPA's Phase 1 Implementation Rule?

On December 22, 2006, in *South Coast Air Quality Management Dist.* v. *EPA,* the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's Phase 1 Implementation Rule for the 8-hour ozone standard (69 FR 23951, April 30, 2004). 472 F.3d 882 (D.C. Cir. 2006). On June 8, 2007, in response to several petitions for rehearing, the D.C. Circuit Court clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been

successfully challenged. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 485 F.3d 1245 (D.C. Cir. 2007). Therefore, the Phase 1 Rule provisions related to classifications for areas currently classified under subpart 2 of Title I, part D of the CAA as 8-hour nonattainment areas, the 8-hour attainment dates, and the timing for emissions reductions needed for attainment of the 8-hour ozone NAAQS, remain effective. The June 8th decision left intact the Court's rejection of EPA's reasons for implementing the 8-hour standard in certain nonattainment areas under subpart 1 in lieu of subpart 2. By limiting the vacatur, the Court let stand EPA's revocation of the 1-hour standard and those anti-backsliding provisions of the Phase 1 Rule that had not been successfully challenged. The June 8th decision reaffirmed the Court's December 22, 2006, decision that EPA had improperly failed to retain four measures required for 1-hour nonattainment areas under the anti-backsliding provisions of the regulations: (1) Nonattainment area New Source Review (NSR) requirements based on an area's 1-hour nonattainment classification; (2) section 185 penalty fees for 1-hour severe or extreme nonattainment areas; (3) measures to be implemented pursuant to section 172(c)(9) or 182(c)(9) of the CAA, contingent on an area not making reasonable further progress toward attainment of the 1-hour NAAQS, or for failure to attain that NAAQS; and (4) certain transportation conformity requirements for certain types of Federal actions. The June 8th decision clarified that the Court's reference to conformity requirements was limited to requiring the continued use of 1-hour motor vehicle emissions budgets until 8-hour budgets were available for 8-hour conformity determinations.

For the reasons set forth in the proposal, EPA does not believe that the Court's rulings alter any requirements relevant to this redesignation action so as to preclude redesignation. EPA believes that the Court's December 22, 2006, and June 8, 2007, decisions impose no impediment to moving forward with redesignation of this area to attainment, because, even in light of the Court's decisions, redesignation is appropriate under the relevant redesignation provisions of the CAA and longstanding policies regarding redesignation requests.

With respect to the requirement for transportation conformity under the 1-hour standard, the Court in its June 8th decision clarified that, for those areas with 1-hour motor vehicle emissions budgets in their maintenance plans, anti-backsliding requires only that those 1-hour budgets must be used for 8-hour conformity determinations until replaced by 8-hour budgets. To meet this requirement, conformity determinations in such areas must comply with the applicable requirements of EPA's conformity regulations at 40 CFR part 93.

C. What are the Impacts of the Clean Air Interstate Rule (CAIR) Remand?

As discussed in greater detail in the proposal, EPA has considered the relationship of the Cleveland-Akron-Lorain area's maintenance plan to the reductions currently required pursuant to the Clean Air Interstate Rule. This rule was remanded to EPA, and the process of developing a replacement rule is ongoing. However, the remand of CAIR does not alter the requirements of the NO_X SIP Call and Ohio has now demonstrated that the area can maintain without any additional requirements (beyond those required by the NO_X SIP Call). Therefore, EPA believes that Ohio's demonstration of maintenance under sections 175A and 107(d)(3)(E) remains valid.

The NO_X SIP Call requires states to make significant, specific emissions reductions. It also provided a mechanism, the NO_X Budget Trading Program, which states could use to achieve those reductions. When EPA promulgated CAIR, it discontinued (starting in 2009) the NO_X Budget Trading Program, 40 CFR 51.121(r), but created another mechanism—the CAIR ozone season trading program—which states could use to meet their SIP Call obligations, 70 FR 25289–90. EPA notes that a number of states, when submitting SIP revisions to require sources to participate in the CAIR ozone season trading program, removed the SIP provisions that required sources to participate in the NO_X Budget Trading Program. In addition, because the provisions of CAIR including the ozone season NO_X trading program remain in place during the remand, EPA is not currently administering the NO_X Budget Trading Program. Nonetheless, all states, regardless of the current status of their regulations that previously required participation in the NO_X Budget Trading Program, will remain subject to all of the requirements in the NO_X SIP Call even if the existing CAIR ozone season trading program is withdrawn or altered. In addition, the anti-backsliding provisions of 40 CFR 51.905(f) specifically provide that the provisions of the NO_X SIP Call, including the statewide NO_X emission budgets, continue to apply after revocation of the 1-hour standard.

In the case of Ohio, the state has retained the SIP provisions requiring sources to participate in the NO_X Budget Trading Program. Ohio EPA is in the process of promulgating a rule change stating that the NO_X Budget Trading Program would not be applicable so long as CAIR remains in place. However, the drafted rule revision also provides that should CAIR requirements be removed, the NO_X Budget Trading Program would once again apply, on condition that EPA maintains a NO_X Budget Trading Program.

All NO_X SIP Call states have SIPs that currently satisfy their obligations under the SIP Call, the SIP Call reduction requirements are being met, and EPA will continue to enforce the requirements of the NO_X SIP Call even after any response to the CAIR remand. For these reasons, EPA believes that regardless of the status of the CAIR program, the NO_X SIP call requirements can be relied upon in demonstrating maintenance. Here, the state has demonstrated maintenance based in part on those requirements.

II. What Comments Did We Receive on the Proposed Rule?

EPA provided a 30-day review and comment period. The comment period closed on July 13, 2009. EPA received adverse comments from the Allegheny County Health Department, a private citizen, and the National Resources Defense Council (NRDC). A summary of the comments received, and EPA's responses, follow.

(1) *Comment:* The totals for VOC Non-road emissions and VOC Area emissions in table 4 are incorrect. Also, the value for 2006 VOC Non-road in table 5 is incorrect.

Response: EPA concurs with the commenter and is revising the tables. Below are corrected tables 4 and 5. The revisions correct typographical errors in the tables and do not affect the net change in total VOC and NO_X emissions between 2002 and 2006, since the correct numbers were used in calculating these values.

TABLE 4—CLEVELAND-AKRON-LORAIN VOC AND NO_x EMISSIONS FOR ATTAINMENT YEAR 2006

[tpd]

	Point		Area		Nonroad		Onroad		Total	
	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X
Ashtabula	0.94	4.52	5.89	0.85	9.19	8.71	4.00	7.01	20.02	21.09
Cuyahoga	3.68	13.56	44.14	13.83	40.62	36.61	27.64	64.40	116.08	128.40
Geauga	0.00	0.00	9.96	1.01	4.87	2.58	2.41	5.06	17.24	8.65
Lake	0.82	37.48	9.06	2.30	11.13	8.99	5.33	13.00	26.34	61.77
Lorain	3.18	27.31	11.45	2.66	13.03	12.84	6.17	14.88	33.83	57.69
Medina	0.79	0.26	7.40	1.57	5.29	5.02	5.05	12.32	18.53	19.17
Portage	0.95	0.22	6.19	1.52	7.49	6.25	4.30	10.79	18.93	18.78
Summit	1.27	3.23	18.17	5.51	12.36	11.33	14.18	32.28	45.98	54.35
Total	11.63	86.58	112.26	29.25	103.98	92.33	69.08	161.74	296.95	369.90

TABLE 5—COMPARISON OF CLEVELAND-AKRON-LORAIN 2002 AND 2006 VOC AND NO_X EMISSIONS

[tpd]

	VOC			NO_X		
	2002	2006	Net change (2002–2006)	2002	2006	Net change (2002–2006)
Point	12.64	11.63	−1.01	156.98	86.58	−70.40
Area	110.68	112.26	1.58	12.49	29.25	16.76
Nonroad	98.72	103.98	5.26	94.44	92.33	−2.11
Onroad	109.49	69.08	−40.41	226.17	161.74	−64.43
Total	331.53	296.95	−34.58	490.08	369.90	−120.18

(2) *Comment:* Open burning is a direct cause of air pollution. Open burning results in direct emissions of carbon dioxide and causes neighbors to use air conditioners to avoid breathing in smoke fumes and prevent smoke damage. Air conditioning is a large source of unnecessary power usage.

Response: EPA appreciates the commenter's concerns regarding open burning. However, the current rulemaking is a redesignation action that is designed to determine whether an area has met the requirements for redesignation to attainment as set forth in section 107(d)(3)(E) of the CAA. Consideration of how to address open burning issues is not related to the current redesignation action. In this action, EPA has determined that, for the 1997 8-hour NAAQS, the state has met all requirements for redesignation, including a demonstration that the area has met all applicable requirements for the purposes of redesignation and that it will maintain the standard over the ten year maintenance period.

(3) *Comment:* Ohio EPA's redesignation request fails to demonstrate compliance with the ozone NAAQS. Three out of the eleven ozone monitors in the area registered three-year average fourth-highest concentrations that were greater than 0.08 ppm. EPA contends that the relevant standard is complied with because the area has achieved average 8-hour ozone concentrations less than 0.085 ppm. While 40 CFR part 50, Appendix I, purports to authorize such a rounding convention, its use here improperly inflates the 1997 standard from its actual value of 0.08 ppm and would allow an area to be considered to be in attainment even though it has fourth-highest three-year average concentrations that exceed the actual ozone NAAQS. The commenter contends that such rounding approach has been rejected by EPA's own scientific advisory committee in developing the 2008 ozone NAAQS, and it would be arbitrary and capricious for EPA to use it here.

Response: EPA promulgated the 1997 8-hour ozone standard on July 18, 1997 (62 FR 38856). As part of this rulemaking, EPA promulgated 40 CFR 50 Appendix I, entitled ''Interpretation of the 8-hour Primary and Secondary National Ambient Air Quality Standards for Ozone,'' which provides rounding procedures under which observed values which round to 0.08 ppm are considered to reflect attainment of the standard. As discussed in detail in the proposed rule, an area is considered to be in attainment of the 8-hour ozone standard if the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year does not exceed 0.084 ppm. Comments regarding the adequacy of the 1997 8-hour ozone standard should have been submitted in response to the proposal on that standard and its implementing regulations that include the data handling and rounding conventions for the 1997 8-hour NAAQS, 40 CFR Part 50, Appendix I. The definition of the standard as set forth in the applicable regulations cannot be challenged here. In addition, in adopting the 2008 standard, 0.075 ppm, EPA changed the ''degree of precision to which the level of the standard is specified to the thousandth ppm'' (72 FR 37882 (July 11, 2007)), expressing the standard out to three decimal places instead of two, as was previously done with the 1997 standard. While this was a different way of expressing the standard, it did not undermine the implementation of the 1997 standard. As stated in the final rulemaking on the 2008 standard: ''Truncating both the individual 8-hour averages used to determine the annual fourth maximum as well as the three-year average of the fourth maxima to the third decimal place is consistent with the approach used in Appendix I for the previous 8-hour ozone standard.'' 73 FR 16436, 16501 (March 27, 2008). The

2008 three-digit standard achieves the same result that would have been accomplished by adopting a 0.07 standard and permitting rounding up to 0.075. Thus it does not represent, as commenters contend, a repudiation of the result of rounding in the 1997 standard. It is therefore not only consistent with the existing statute and regulations, but entirely reasonable, for EPA to implement the 1997 standard as it has here.

(4) *Comment:* Ohio EPA's contention that ozone concentrations have trended downward is not supported by the 2006 to 2008 data provided by the agency. For seven out of the eleven monitors in the Cleveland-Akron-Lorain area, the fourth-high ozone concentration increased from 2006 to 2007. At eight out of the eleven monitors, the 2008 fourth-highest concentration was higher than the 2006 fourth-highest concentration. This suggests that ozone concentrations are not declining and raises questions about whether redesignation is appropriate. While 2008 concentrations are mostly lower than those in 2007, it is not clear if such reduction is due to permanent and enforceable reductions or transient factors. At a minimum, EPA must decline to approve Ohio EPA's redesignation request until 2009 monitoring data can confirm the relevant ozone concentration trends.

Response: The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) allows for redesignation provided that, among other things, the Administrator determines that the area has attained the applicable NAAQS. A determination that an area has attained the standard is based on an objective review of the air quality data. There are no provisions in the CAA or in EPA redesignation policy for using monitoring data trends or statistical analyses as criteria for determining attainment in evaluating a redesignation request. As discussed in detail in the proposed rule, the Cleveland-Akron-Lorain area is monitoring attainment of the 1997 8-hour ozone standard. As discussed in the proposal, the requirement that attainment be due to permanent and enforceable emissions reductions is a separate criterion for redesignation, which has been met here.

Furthermore, looking at the yearly fourth-high ozone concentrations ozone over a two or three year time period is not statistically significant and does not determine a trend. In fact, it is expected that there will be year to year variations in ozone concentrations due to meteorological influences. A review of data over a longer time period, from 2001 (designations under the 1997 8-hour ozone standard were based on air quality monitoring data from 2001–2003) through 2008, shows a downward trend at each monitor in the area. Moreover, in its maintenance demonstration the state has shown that the 1997 ozone standard can be maintained in the area over a ten-year period after redesignation.

(5) *Comment:* Redesignation is inappropriate because the Cleveland-Akron-Lorain area is out of attainment of the 2008 ozone standard, which is currently set at 0.075 ppm. As such, the Cleveland-Akron-Lorain area has not demonstrated compliance with the currently applicable NAAQS and, therefore, cannot be considered in attainment with CAA ozone standards. Redesignation to attainment under the 1997 standard would suspend Reasonable Further Progress (RFP) requirements and other measures that would enable the area to make progress toward attainment of the 2008 standard.

The ruling in *Wall* v. *EPA,* 265 F. 3d 426 (6th Cir. 2001), does not compel a different conclusion. In that case, redesignation for the Cincinnati area was challenged because, *inter alia*, another rulemaking proceeding had found that the area was certain or highly likely to require additional emission reductions. The court rejected the challenge because the other proceeding was not an attainment rulemaking and its data were outdated. In this case, however, Ohio has made a nonattainment recommendation under the 2008 standard using data that are not out of date, and thus redesignation to attainment here would not be reasonable. As the *Wall* court stated, ''[A]ny final determination regarding the adequacy of a maintenance plan will be made 'in light of the particular circumstances facing the area proposed for redesignation and based on all relevant information available at the time.''' 265 F.3d at 430. A pending designation of nonattainment is relevant information that forecloses redesignation to attainment at this time.

Response: The area's status with respect to the 2008 standard does not foreclose redesignation for the 1997 standard. The redesignation being considered in this action is only for the 1997 8-hour ozone standard. Designations for the 2008 8-hour standard have not yet occurred, and will be made in the future in accordance with the process for designating areas under the new standard. This redesignation rulemaking action is not related to that future designation action. As set forth above, the state's recommendation to designate the area as nonattainment for the 2008 standard does not, as commenters contend, foreclose redesignation of the area for purposes of the 1997 standard. EPA has not yet acted on the state's recommendation, and even had it done so, this would not prevent redesignation for the prior standard. Indeed, it would be inappropriate to retain the 1997 8-hour nonattainment designation, if no longer applicable, solely on the assumption that the Cleveland-Akron-Lorain area might be designated as nonattainment for the 2008 8-hour ozone standard in the future. EPA has in the past continued to redesignate areas under existing standards even after the adoption of new standards for the same pollutant. After adopting the 1997 8-hour ozone standard, EPA continued to redesignate areas for the 1-hour ozone standard until that standard was revoked. See, for example, Cincinnati redesignation, 70 FR 35946 (June 21, 2005).

Thus even after the area receives its designation for the 2008 standard, the 1997 8-hour ozone standard and the 2008 8-hour ozone standard are considered to be separable in terms of requiring emission controls and determining the area's attainment status. Subsequent to the adoption of the 2008 standard, EPA has continued to redesignate for the 1997 ozone standard those areas attaining that ozone standard and otherwise meeting redesignation requirements. See, for example, Detroit, Michigan redesignation, 74 FR 30950 (June 29, 2009); Clearfield and Indiana Counties, Pennsylvania redesignation, 74 FR 11674 (March 19, 2009); Greene County, Pennsylvania redesignation, 74 FR 11671 (March 19, 2009); and Kewaunee County, Wisconsin redesignation, 73 FR 29436 (May 21, 2008).

Commenters have noted that the redesignation would be ''counterproductive'' because it would ''suspend RFP and other measures that would enable the area to make progress towards attainment of the 2008 standard.'' This contention, however, is not an obstacle to redesignaton for attainment of the 1997 ozone standard. The Sixth Circuit has previously approved as reasonable EPA's interpretation of what constitutes interference with a new standard under section 110(l), and it does not include ''that which does not advance'' as opposed to that which ''hinder[s] or make[s] worse.'' *Kentucky Resources Council* v. *EPA,* 467 F.3d 986, 995 (6th Cir. 2006). In any event, we have evaluated this redesignation with respect to section 110(l) and have

determined that it will not interfere with attainment or maintenance of the 2008 ozone standard nor any other standard, since the area is attaining the 1997 ozone standard, no control measures are being removed from the SIP, and no implementation ceased. See *Id.* (showing deference to EPA's interpretation of section 110(l)). See also the discussion of 110(l) in the Cincinnati 1-hour ozone redesignation at 70 FR 35960. The rationale stated in the Cincinnati redesignation applies here as well:

> ''EPA does not believe that approving a maintenance plan containing existing control measures that the State has demonstrated will provide emission reductions sufficient to maintain the 1-hour ozone standard can in any way interfere with Ohio's obligations under the $PM_{2.5}$ and 8-hour ozone standards for Cincinnati. EPA is not approving any relaxation of the existing control measures so emissions of VOC and NO_X will not increase as a consequence of this action. Morevoer, Ohio will still have to meet whatever obligations it may have regarding the implementation of the new standards and determining that existing control measures will provide for maintenance of the 1-hour standard does not impair nor interfere with the state's obligations regarding the new standards. EPA does not believe that section 110(l) transforms this redesignation action into an obligation for the state to comply with its SIP obligations for the new standards earlier than otherwise required, which is the implication of the assertion that this action cannot proceed without a demonstration that additional control measures are not necessary to prevent interference with attainment of the $PM_{2.5}$ and 8-hour ozone standards. Moreover, the commenter does not present any evidence or even assert that there is anything about any of the control measures contained in the maintenance plan that would somehow interfere with $PM_{2.5}$, 8-hour ozone attainment, or other requirements. EPA does not believe that approval of this maintenance plan would interfere with the 8-hour ozone or $PM_{2.5}$ attainment or other obligations applicable to the Cincinnati area. As Cincinnati's ability to implement those standards would be the same if this redesignation were not occurring, approval of the maintenance plan cannot interfere with the requirements applicable for those standards.''

70 FR 35960 (June 21, 2005). Thus EPA has determined that the redesignation of the area does not interfere with attainment of the 2008 8-hour ozone standard and complies with the provisions of section 110(l) of the CAA.

(6) *Comment:* Ohio EPA has not provided an adequate maintenance plan. Ohio EPA has failed to fully satisfy the requirement that it include contingency measures for ensuring continued attainment that can take effect ''without further action by the State or EPA.'' 42 U.S.C. 7402(c)(9). EPA interprets that provision as requiring that the state or EPA need not take any ''further rulemaking activities'' in order for the contingency measures to be carried out. General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498, 13512; *Greenbaum* v. *EPA,* 370 F.3d 527, 451 (6th Cir. 2004). While Ohio EPA has identified a series of possible contingency measures and triggers for possible implementation of those measures, the agency also notes that ''adoption of any additional control measures is subject to the necessary administrative and legal process * * * required by Ohio law for rulemaking.'' EPA must ensure that Ohio EPA can adopt such additional control measures without the need for additional rulemaking before any redesignation for the Cleveland-Akron-Lorain area can be made.

Response: Section 175A of the CAA requires that a maintenance plan include contingency provisions, as EPA deems necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. Contrary to the commenter's contention, these contingency measures are not the same as those required for nonattainment areas under section 172(c)(9) or 182(c)(9). The statutory provision under section 175A for maintenance contingency measures to be employed after redesignation to attainment is distinct from the requirement for contingency measures for nonattainment areas prior to attainment. As explicitly discussed in EPA's September 4, 1992, redesignation policy memorandum from John Calcagni entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'': ''For the purposes of section 175A, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved.'' EPA has applied this interpretation since 1992, and it has been referred to and relied upon by the Sixth Circuit. In *Greenbaum* v. *EPA,* cited by the commenters, the Sixth Circuit stated that under section 175A, the EPA ''has been granted broad discretion by Congress in determining what is 'necessary to assure' prompt correction.'' 370 F.3d at 540. In that case, the state had chosen to adopt as contingency measures under section 175A those measures that it had originally adopted pursuant to section 172(c)(9), so the measures happened to meet the requirement of that section that no further state action be necessary. But nothing mandates that section 175A contingency measures meet the strictures that apply solely to section 172(c)(9) measures. The General Preamble language cited by the commenters, that ''no further rulemaking activities by the State or EPA would be needed to implement the contingency measures'', addresses contingency measures under section 172(c)(9). Indeed, the Sixth Circuit in *Greenbaum* pointed out that this limitation does not apply to contingency measures under section 175A, noting that the Calcagni memorandum states that ''[f]or the purposes of section 175A, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance plan to be approved.'' 370 F.3d at 541.

Ohio EPA included the following list of potential contingency measures in the maintenance plan for the Cleveland-Akron-Lorain area: A lower Reid vapor pressure gasoline program; tightened VOC Reasonably Available Control Technology (RACT) on existing sources covered by EPA Control Technique Guidelines issued after the 1990 CAA; one or more transportation control measures sufficient to achieve at least half a percent reduction in actual area wide VOC emissions; alternative fuel and diesel retrofit programs for fleet vehicle operations; VOC or NO_X emission offsets for new and modified major sources; VOC or NO_X emission offsets for new and modified minor sources; VOC or NO_X controls on new minor sources (less than 100 tons per year (tpy)); increase in the ratio of emission offsets required for new sources; and, NO_X RACT for existing combustion sources. The state can choose to implement one or more of these measures as necessary to correct a violation of the standard. As set forth in the proposal, we find that the contingency measures included in the maintenance plan are adequate to assure that the state will promptly correct a future violation of the standard that occurs after redesignation.

(7) *Comment:* Ohio EPA has not provided any information showing that it has adequate resources to enforce the steps relied on in the maintenance plan. Such information is required by 42 U.S.C. 7410(a)(2)(C) which requires that each plan ''include a program to provide for the enforcement of measures'' described in the plan, and 40 CFR 51.280, which requires a ''description of the resources available to the state and local agencies * * * and any additional resources needed to carry out the plan'' for the next five years. Ohio EPA,

however, has simply asserted that it ''has the legal authority and necessary resources to actively enforce any violations of its rules or permit provisions.'' The agency has not identified what those resources are, or explained how they are purportedly adequate to ensure enforcement of the plan. This shortcoming is especially troublesome given that Ohio faces a $3.2 billion budget deficit and will likely be cutting agency budgets to try to close that gap.

Response: As discussed in detail in the proposal, section 107(d)(3)(E) of the CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E)(v) allows for redesignation provided that, among other things, the area has met all applicable requirements under section 110 and Part D. Section 110(a) of Title I of the CAA contains the general requirements for a SIP, including the requirement that the state provide ''necessary assurances that the State * * * will have adequate personnel, funding, and authority under state * * * law to carry out such implementation plan. * * *'' The courts are in agreement that: ''Congress has left to the Administrator's sound discretion determination of what assurances are 'necessary.' '' *NRDC* v. *EPA,* 478 F.2d 875, 884 (1st Cir. 1973); *Friends of the Earth* v. *EPA,* 499 F.2d 1118, 1126 (2d. Cir. 1974), *BCCA Appeal Group* v. *EPA,* 355 F.3d 817 (5th Cir. 2003). In a December 5, 2007, SIP submittal, Ohio EPA asserted that it continues to retain the resources necessary to evaluate ambient air quality, develop plans to attain new and existing ambient air quality standards, run a complete new source review program and effectively enforce all applicable requirements. In support of Ohio EPA's assertion that the state continues to staff and implement a vigorous enforcement program, the submittal included Ohio EPA's Enforcement Report: 2006. As documented in the report, Ohio's Division of Air Pollution Control reduced 160 tpy VOC and 419 tpy NO_X through enforcement actions, secured $1,248,917 in penalties and issued 41 orders. In addition, the department resolved 96% of its enforcement cases older than 21 months and all verified complaints within two years. With respect to legal authority, Ohio Revised Code 3704.03 provides the Director of Ohio EPA with the authority to develop rules and regulations necessary to meet state and Federal ambient air quality standards and to implement the program.

The Court found that EPA was entitled to rely on the state's certification that the SIP was a valid exercise of its legal authority. See *Ohio Envtl. Council* v. *EPA,* 593 F.2d 24, 28 (6th Cir. 1979). In *BCCA* v. *EPA,* the Fifth Circuit Court of Appeals found that the state had ''provided a general assurance that its fiscal and manpower resources were adequate to implement the SIP as a whole.'' The Court also determined that the Houston, Texas SIP ''provided a detailed discussion about the legal authority of state and local agencies to implement, maintain, and enforce the plan as a whole, including citations to applicable law.'' The Fifth Circuit found that, ''based on its past experience with Texas's air quality program and its relationship with the state, the EPA determined that these assurances regarding funding, resources, and legal authority met the minimum requirements of § 7410(a)(2)(E).'' Finding that EPA had also evaluated the state's funding and resources and determined they were adequate, the Court concluded that EPA approval was in compliance with the CAA and not arbitrary and capricious. 355 F.3d at 843–845.

Commenters here raise the identical claim regarding section 110(a)(2)(C) and 40 CFR 51.280 that petitioners set forth in the Cincinnati 1-hour ozone redesignation case *Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001). In *Wall,* the Sixth Circuit concluded that ''there is no language in the CAA or in the EPA's regulations that specifically requires that a separate commitment be made within the maintenance plans themselves. Thus, the EPA permissibly determined that Kentucky and Ohio fulfilled the requirement of submitting a 'program to provide for enforcement of the [maintenance] measures' when such measures were already approved in their earlier SIPs.'' *Id.* at 438.

As pointed out in the *Wall* case, EPA has previously approved the state SIP as meeting 110(a)(2)(C) requirements in acting on the state's 1-hour ozone SIP. The enforcement of the 8-hour ozone standard is a continuation of this same enforcement program, and the state has submitted confirmation that the area's 8-hour SIP continues to meet those requirements.

In addition, EPA periodically reviews state enforcement programs for adequacy. The EPA Office of Enforcement and Compliance Assurance, EPA's ten regions, the Environmental Council of States Compliance Committee, and other state representatives jointly developed a method to assess state performance in the enforcement and compliance assurance program. EPA performs this assessment on a four-year cycle. The most recent assessment of Ohio EPA's enforcement program using this framework was released by EPA on September 27, 2007. In that assessment, EPA found that Ohio EPA is implementing an adequate enforcement program. Ohio EPA's enforcement actions have been found to be generally successful at bringing sources back into compliance in a specific time frame, with well-defined penalties. Further, Ohio EPA's inspection reports meet the requirements of EPA's Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS). While EPA noted that Ohio EPA could make improvements regarding reporting issues and timeliness of enforcement actions, the state has since addressed these concerns by implementing the corrective actions recommended by EPA in that assessment.

In addition, as required under 40 CFR 35.115, EPA reviews Ohio EPA's air pollution control activities, including enforcement, on a yearly basis. In EPA's most recent review, dated February 24, 2009, EPA found no areas of concern regarding Ohio EPA's ability to adequately implement and enforce its air control programs. During the 2008 Federal fiscal reporting year, Ohio EPA's commitment under the CMS was to complete 342 Title V source full compliance evaluations. There were 375 full compliance evaluations reported to EPA's AIRS Facility Subsystem (AFS) database. In addition, Ohio EPA exceeded the commitment to conduct 210 synthetic minor source full compliance evaluations by reporting 225 evaluations to AFS.

As in the BCCA case, the state has also certified that it has adequate legal authority, and based on EPA's past experience with the state's air quality program and its relationship with the state, as well as its evaluation of the current situation, EPA has determined that these circumstances assure that the requirements of section 110(a)(2)(E) and section 110(a)(2)(C) have been met.

(8) *Comment:* The proposed redesignation relies on an improper NO_X waiver. The NO_X waiver provisions of section 182(f)(1)(A) are designed simply to ensure that NO_X reductions are not required in those limited circumstances where NO_X reductions can actually lead to increased ozone concentrations. There has been no showing of a NO_X disbenefit in this proceeding and, therefore, a NO_X waiver is improper. There is no evidence suggesting that NO_X controls did not contribute to the purported attainment. Instead, the

evidence is clear that they did contribute and, therefore, a NO_X waiver is inappropriate.

Response: As described in EPA's January 14, 2005 policy, Guidance on Limiting Nitrogen Oxides (NO_X) Requirements Related to 8-Hour Ozone Implementation, section 182(f)(1) of the CAA provides that the new NO_X requirements shall not apply (or may be limited to the extent necessary to avoid excess reductions) if the Administrator determines that any one of the following tests is met:

(1) In any area, the net air quality benefits are greater in the absence of NO_X reductions from the sources concerned;

(2) in nonattainment areas not within an ozone transport region, additional NO_X reductions would not contribute to ozone attainment in the area; or

(3) in nonattainment areas within an ozone transport region, additional NO_X reductions would not produce net ozone air quality benefits in the transport region.

Based on the plain language of section 182(f), EPA believes that each test provides an independent basis for receiving a full or limited NO_X exemption. Only the first test listed above is based on a showing that NO_X reductions result in a ''disbenefit.'' If any one of the tests is met, the section 182(f) NO_X requirements would not apply.

In areas monitoring attainment of the ozone standard where section 182(f) NO_X requirements were not implemented over that three-year period, it is clear that the second test listed above is met. Since attainment has already occurred, additional NO_X reductions could not improve the area's attainment status and, therefore, the NO_X exemption request can be approved.

The Cleveland-Akron-Lorain area is monitoring attainment of the 1997 8-hour ozone standard and, over the three-year period used to demonstrate attainment with the NAAQS (2006–2008), NO_X RACT emissions reduction requirements were not yet implemented in the area. Therefore, the Cleveland-Akron-Lorain area can clearly demonstrate that ''additional reductions of oxides of nitrogen would not contribute to attainment.''

(9) *Comment:* Should EPA proceed with granting Ohio the NO_X waiver, the agency must clarify the scope of the waiver. Ohio EPA's submissions suggest that the state is petitioning for a waiver only of the NO_X RACT requirements, not the other NO_X reductions required by section 182(f). In addition, EPA must make clear that any NO_X waiver is only, as Ohio EPA requested, ''for the interim period between approval of this redesignation request and approval of Ohio's NO_X RACT rules,'' and does not imply that NO_X RACT requirements are somehow lifted or will not be needed to bring the Cleveland-Akron-Lorain area into attainment of the 2008 ozone NAAQS or any more stringent ozone NAAQS that is developed in the future.

Response: As the commenter stated, Ohio EPA requested that EPA grant a waiver from NO_X RACT requirements for the Cleveland-Akron-Lorain area. In this final action, EPA is approving a waiver from only the NO_X RACT requirements of section 182(f). This has been clarified in both the summary and section III of this action. Further, as stated in the proposal, EPA agrees with the commenter that while Ohio need not adopt NO_X RACT rules as a prerequisite for redesignation with respect to the 1997 8-hour ozone standard, EPA may in the future determine that NO_X RACT rules are required in this area with respect to the 2008 8-hour ozone standard.

III. What Action Is EPA Taking?

EPA is making a determination that the Cleveland-Akron-Lorain area has attained the 8-hour ozone NAAQS. EPA is also approving the maintenance plan SIP revision for the Cleveland-Akron-Lorain area. EPA's approval of the maintenance plan is based on Ohio's demonstration that the plan meets the requirements of section 175A of the CAA. After evaluating Ohio's redesignation request, EPA has determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. Therefore, EPA is approving the redesignation of the Cleveland-Akron-Lorain area from nonattainment to attainment for the 8-hour ozone NAAQS. EPA is also approving the 2002 base year emissions inventory for the Cleveland-Akron-Lorain area as meeting the requirements of section 182(a)(1) of the CAA. EPA is approving a waiver from the section 182(f) NO_X RACT requirements in the Cleveland-Akron-Lorain area. EPA is also approving Ohio's 15% ROP plan as meeting the requirements of section 182(b)(1) of the CAA for the 1-hour ozone standard. Finally, EPA also finds adequate and is approving the state's 2012 and 2020 MVEBs for the Cleveland-Akron-Lorain area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3) which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this 8-hour ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Executive Order 12866; Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, September 30, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law,

and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Redesignation is an action that merely affects the status of a geographical area, does not impose any new requirements on sources, or allows a state to avoid adopting or implementing other requirements, and does not alter the relationship or the distribution of power and responsibilities established in the CAA.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

Because it is not a ''significant regulatory action'' under Executive Order 12866 or a ''significant energy action,'' this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTA), 15 U.S.C. 272, requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus to carry out policy objectives, so long as such standards are not inconsistent with applicable law or otherwise impracticable. In reviewing program submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Absent a prior existing requirement for the state to use voluntary consensus standards, EPA has no authority to disapprove a program submission for failure to use such standards, and it would thus be inconsistent with applicable law for EPA to use voluntary consensus standards in place of a program submission that otherwise satisfies the provisions of the Act. Redesignation is an action that affects the status of a geographical area but does not impose any new requirements on sources. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

The Congressional Review Act, 5 U.S.C. 801, *et seq.,* enacted pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that, before a rule may take effect, the agency promulgating the rule must submit a rule report which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 16, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of the action. This action may not be challenged later in proceedings to enforce its requirements. (See 42 U.S.C. 7607(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Air pollution control, Environmental protection, National parks, Wilderness areas.

Dated: August 26, 2009.

Walter W. Kovalick Jr.,

Acting Regional Administrator, Region 5.

■ Parts 52 and 81, chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart KK—Ohio

■ 2. Section 52.1885 is amended by adding paragraphs (ff)(9), (hh)(2), (ii) and (jj) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(9) Approval—On March 17, 2009, and April 24, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Cleveland-Akron-Lorain area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2012 motor vehicle emissions budgets for the Cleveland-Akron-Lorain area are 46.64 tpd for VOC and 95.89 tpd for NO_X. The 2020 motor vehicle emissions budgets for the area are 31.48 tpd for VOC and 42.75 tpd for NO_X.

* * * * *

(hh) * * *

(2) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 182(a)(1) of the Clean Air Act for the Cleveland-Akron-Lorain area under the 1997 8-hour ozone standard.

(ii) Approval—The 15 percent Volatile Organic Compound reasonable further progress plan for the Cleveland-Akron-Lorain 1-hour ozone area, submitted by Ohio on June 15, 2007, and February 22, 2008, satisfies the

requirements of section 182(b)(1) of the Clean Air Act.

(jj) Approval—EPA is approving exemptions under section 182(f) from requirements for reasonably available control technology for oxides of nitrogen for the Cleveland-Akron-Lorain 8-hour ozone nonattainment area with respect to the 1997 ozone standards. This waiver was requested by Ohio on March 17, 2009.

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.336 is amended by revising the entry for Cleveland-Akron-Lorain, OH in the table entitled ''Ohio-Ozone (8-Hour Standard)'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO-OZONE

[8–Hour Standard]

Designated area	Designation [a]		Classification	
	Date[1]	Type	Date[1]	Type
*	*	*	*	*
Cleveland-Akron-Lorain, OH:				
Ashtabula County.				
Cuyahoga County	9/15/2009	Attainment.		
Geauga County.				
Lake County.				
Lorain County.				
Medina County.				
Portage County.				
Summit County.				
*	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.

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[FR Doc. E9–21818 Filed 9–14–09; 8:45 am]

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Federal Register

Tuesday,
September 15, 2009

Part V

Office of Management and Budget

Department of Commerce

Bureau of the Census

Procedures for Participating in the Appeals Process for the 2010 Decennial Census Local Update of Census Addresses (LUCA) Program; Notice

OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 090302265–91138–02]

Procedures for Participating in the Appeals Process for the 2010 Decennial Census Local Update of Census Addresses (LUCA) Program

AGENCIES: Office of Information and Regulatory Affairs, Office of Management and Budget; and Bureau of the Census, Department of Commerce.

ACTION: Final notice.

SUMMARY: As part of implementing the Census Address List Improvement Act of 1994, the Office of Management and Budget (OMB) and the Bureau of the Census (Census Bureau) publish this notice to provide information on the final procedures for the Appeals Process whereby tribal, State, and local governments participating in the 2010 Decennial Census Local Update of Census Addresses (LUCA) Program may appeal determinations made by the Census Bureau with respect to their suggested changes to the 2010 Census Address List. This notice also summarizes the comments received on the proposed procedures published in a March 31, 2009, **Federal Register** notice (74 FR 14696). For information purposes, this notice also describes the LUCA Feedback materials that the Census Bureau will provide to participating governments and how those governments can use the materials as the basis for an Appeal.

Electronic Availability: This notice is available on the Internet from the OMB Web site at *http://www.whitehouse.gov/omb/fedreg_default/.*

DATES: These LUCA Appeals Process procedures, which reflect revisions based on public comment following publication of draft procedures, will be implemented on September 15, 2009.

ADDRESSES: Correspondence concerning the Appeals Process may be submitted through one of the following methods:

- *Fax:* Correspondence may be faxed to Katherine K. Wallman, Chief Statistician, Office of Management and Budget, fax number (202) 395–7245.
- *E-mail:* Correspondence may be sent to *2010AppealsProcess@omb.eop.gov*, with the subject 2010 Appeals Process.

Correspondence about the 2010 Census LUCA Program in general should be sent to Arnold A. Jackson, Associate Director for Decennial Census, U.S. Census Bureau, Washington, DC 20233, telephone (301) 763–8626, fax number (301) 763–8867, e-mail *Arnold.A.Jackson@census.gov.*

Because of delays in the receipt of regular mail due to security screening, you are encouraged to use fax or e-mail to transmit any inquiries.

FOR FURTHER INFORMATION CONTACT: For information about the Appeals Process, contact Suzann Evinger, Office of Management and Budget, 10201 New Executive Office Building, Washington, DC 20503, telephone (202) 395–7315; fax number (202) 395–7245. For information about the Census Bureau's 2010 Census LUCA Program, contact Timothy F. Trainor, Chief, Geography Division, U.S. Census Bureau, Washington, DC 20233–7400, telephone (301) 763–2131; fax (301) 763–4710.

SUPPLEMENTARY INFORMATION:

The Census Address List Improvement Act of 1994

The Census Address List Improvement Act of 1994 (Pub. L. 103–430, 108 Stat 4393 (1994)) mandates the establishment of a program to be used by the Census Bureau for developing the decennial census address list and address lists for other censuses and surveys conducted by the Bureau. The Act's provisions direct the Secretary of Commerce to: (1) Publish standards defining the content and structure of address information that tribal, State, and local governments may submit to be used for developing a national address list; (2) develop and publish a timetable for the Census Bureau to receive, review, and respond to submissions; and (3) provide a response to the submissions regarding the Census Bureau's determination for each address. The Act provides further that OMB's Administrator of the Office of Information and Regulatory Affairs, acting through the Chief Statistician and in consultation with the Census Bureau, shall develop a process for tribal, State, and local governments to appeal determinations of the Census Bureau. The Act also directs the U.S. Postal Service to provide the Secretary of Commerce with address information, as appropriate, for use by the Census Bureau.

The Act authorizes the Census Bureau to provide designated officials of tribal, State, and local governments with access to census addresses information. Prior to the 2000 Census, the Census Bureau was limited to providing block summary totals of addresses to tribal and local governments. The 2000 Census marked the first decennial census where tribal and local governments were able to review the census address list.

Summary of Comments Received in Response to the Proposed Appeals Process

On March 31, 2009, OMB and the Census Bureau issued a **Federal Register** notice (74 FR 14696) requesting comments on the proposed procedures for participating in the Appeals Process for the 2010 Census LUCA Program. Two comments were received on the proposal during the comment period. This notice issues final procedures that incorporate changes made as a result of the comments received.

A summary of the public comments and the response of OMB and the Census Bureau are provided below.

Comment 1. One commenter contended that the requirement for including a post office name as a component of appealed addresses was confusing and unnecessary, since that was not a requirement of initial LUCA review of the Census Address List. The commenter also suggested that the examples listed in the procedures of sources of supporting documentation that could be used to support Appeals include State databases and services such as driver's licenses, vehicle registrations, and voter registrations. OMB and the Census Bureau adopted both of these suggestions for the final procedures.

Comment 2. Another commenter suggested that an aerial map printed from an online mapping service and accompanied by a parcel map submitted as supporting evidence for the existence and location of appealed addresses would be an efficient way for local governments to gather supporting evidence. OMB and the Census Bureau agree that aerial maps from online mapping services may be suitable as supporting documentation provided that the confidentiality of the census address list is maintained.

The OMB Office of Information and Regulatory Affairs Administrator's 2010 LUCA Appeals Process

To ensure that tribal, State, and local governments participating in the 2010 Decennial Census LUCA Program have a means to appeal the Census Bureau's determinations, the Census Address List Improvement Act of 1994 requires that the Administrator of OMB's Office of Information and Regulatory Affairs, acting through the Chief Statistician and in consultation with the Census Bureau, develop an Appeals Process to resolve any disagreements that may remain after participating governments receive the Census Bureau's LUCA Feedback

materials. This section describes the final procedures for that Appeals Process. For reference, the Appeals Process that was used for the 2000 Census is described in the **Federal Register** notice published on June 30, 1999 (64 FR 35548). Also, for reference purposes only, the section that immediately follows the Appeals Process, entitled ''The Census Bureau's 2010 Decennial Census LUCA Program,'' describes the already-completed phase of the program.

A. Overview of the Appeals Process

Governmental jurisdictions that participated in LUCA Option 1 or LUCA Option 2 and completed a review of 2010 Census LUCA materials may file an Appeal if they meet the eligibility criteria. Jurisdictions that participated in LUCA Option 3 are not eligible to appeal. Appeals must be filed within 30 calendar days from the date the participant receives its LUCA Feedback materials. Appeals filed after the deadline will be denied as untimely. When filing an Appeal, eligible participants must include supporting documentation that substantiates the existence and location of each appealed address. Eligible participants may file an Appeal with the 2010 Decennial Census LUCA Appeals Staff, a temporary Federal entity set up to administer the Appeals Process. Appeal decisions will be based solely on a review of written documentation provided to the Appeals Staff by the eligible government. The decision of the Appeals Staff will be final. The Appeals Staff is scheduled to conclude its review of Appeal submissions by March 31, 2010. Specific eligibility criteria and detailed requirements for Appeal submissions are provided below.

B. Appeal Procedures for Option 1—Title 13 Full Address List Review LUCA Program Participants

1. Eligibility Criteria for Filing an Appeal

Option 1 participating governments are eligible to file an Appeal if they (1) Returned additions to, or corrections of, the 2010 Decennial Census Address List, or (2) challenged the count of addresses in one or more census blocks on the 2010 Decennial Census Address Count List after their LUCA review, or (3) certified to the Census Bureau after their LUCA review that the 2010 Decennial Census Address List was correct and required no update.

Eligible Option 1 participating governments may appeal (1) Address additions and corrections they provided after their initial review of the 2010 Census Address List that the Census Bureau was able to process, but ultimately did not accept, (2) addresses they believe are still missing from blocks whose address count they challenged during their LUCA review of the Address Count List, and (3) addresses that were deleted from the 2010 Decennial Census Address List by the Census Bureau during the Address Canvassing Operation that were not commented on by participants during their initial LUCA review.

When filing an Appeal, eligible LUCA Program participants must provide (1) Contact information for the governmental jurisdiction filing the Appeal, (2) address information for each address being appealed, and (3) supporting documentation that substantiates the existence and/or location of each address being appealed as specified below.

2. Contact Information

Eligible participants must provide the following contact information for the governmental jurisdiction filing the Appeal:

a. Name of the governmental jurisdiction, and

b. Name, mailing address, telephone number, fax number, and electronic mail address (if any) of that jurisdiction's contact person for the Appeal.

3. Address Information

a. Eligible participants must provide the following six items of information to appeal the Census Bureau's rejection of the submission of a new address to be added to, or a correction to an existing address on, the Census Address List (as evidenced by the Census Bureau's final determination code for that address on the Detailed Feedback Address List), OR

to appeal the Census Bureau's deletion of an address during the Address Canvassing Operation that was not previously commented on by the participant during its initial LUCA review (as indicated for that address on the Detailed Feedback Address List):

(1) Complete address (including the house number, unit designator if applicable, street name, street direction, street type, and ZIP Code) or, if there is no address, a location description of the housing unit or other living quarters.

(2) Master Address File identification number.

(3) Census Tract number.

(4) Census Block number.

(5) Participant submitted action code.

(6) Census Bureau's Processing Code.

Eligible participants may submit their appealed address information by designating the addresses on a copy of their paper Detailed Feedback Address List, as an extract file of addresses from their computer-readable Detailed Feedback Address List, or as a separate printed list. Technical requirements for submitting appealed addresses in computer-readable form will be included in the user guides to the LUCA Feedback materials that the Census Bureau will send to participating governments.

b. To appeal the omission of addresses the eligible participant believes are still missing from blocks whose address counts the participant challenged previously during its initial LUCA review (as evidenced by the revised address counts for those blocks on the Detailed Feedback Address Count Challenge List), provide the following items of information for each missing address:

(1) Complete address (including the house number, unit designator if applicable, street name, street direction, street type, and ZIP Code) or, if there is no address, a location description of the housing unit or other living quarters.

(2) Census Tract number from the map or shapefile.

(3) Census Block number from the map or shapefile.

Eligible participants may submit their appealed addresses by entering them on Appeal Address Add Pages that will be supplied by the Census Bureau with the LUCA Feedback materials, or they may submit them in computer-readable form. Technical requirements for submitting appealed addresses in computer-readable form will be included in the user guides to the LUCA Feedback materials that the Census Bureau will send to participating governments.

4. Supporting Documentation

Eligible participants must provide supporting documentation for each appealed address as specified below in section E, ''Supporting Documentation an Eligible Government Must File with an Appeal.''

C. Appeal Procedures for Option 2—Title 13 Local Address List Submission LUCA Program Participants

1. Eligibility Criteria for Filing an Appeal

Option 2 participants are eligible to file an Appeal if they: (1) Returned their local city-style address list, or (2) certified to the Census Bureau after their LUCA review that the 2010 Census Address List was correct and required no update. Option 2 participants may appeal: (1) Address additions and corrections they provided after their

initial review of the 2010 Census Address List that the Census Bureau was able to process, but ultimately did not accept (as evidenced by the Census Bureau's final determination code for that address on the Detailed Feedback Address List) and (2) the Census Bureau's deletion of an address from the 2010 Census Address List during the Address Canvassing Operation (as indicated for that address on the Detailed Feedback Address List).

When filing an Appeal, jurisdictions must provide: (1) Contact information for the jurisdiction, (2) address information for each address being appealed, and (3) supporting documentation that substantiates the existence and/or location of each address being appealed as specified below.

2. Contact Information

Eligible participants must provide the following contact information for the governmental jurisdiction filing the Appeal:

a. Name of the eligible jurisdiction, and

b. Name, mailing address, telephone number, fax number, and electronic mail address (if any) of that jurisdiction's contact person for the Appeal.

3. Address Information

Eligible participants must provide the following information for each address that is being appealed:

a. Complete address (including the house number, unit designator if applicable, street name, street direction, street type, and ZIP Code) or a location description of the housing unit or other living quarters.

b. Master Address File identification number.

c. Census Tract number from the map or shapefile.

d. Census Block number from the map or shapefile.

e. Census Bureau's Processing Code.

Eligible participants may submit their appealed address information by designating the addresses on a copy of their paper Detailed Feedback Address List, as an extract file of addresses from their computer-readable Detailed Feedback Address List, or as a separate printed list. Technical requirements for submitting appealed addresses in computer-readable form will be included in the user guides to the LUCA Feedback materials that the Census Bureau will send to participating governments.

4. Supporting Documentation

Eligible participants must provide supporting documentation for each appealed address as specified below in section E, ''Supporting Documentation That Must File With an Appeal.''

D. Appeal Procedures for Option 3—Non-Title 13 Local Address List Submission LUCA Participants

Option 3 participants are not eligible to file an Appeal because these participants do not receive the detailed address level feedback materials required as the basis for an Appeal.

E. Supporting Documentation That Must Be Filed With an Appeal

The Appeals decisions will be based solely on a review of written documentation provided by the eligible participating government and the Census Bureau. Eligible participating governments must submit the following supporting documentation with their Appeals:

1. A written statement that outlines the eligible participating government's position for why the Appeals Staff should adopt its recommendations. The statement must specifically respond to the explanation that accompanied the Census Bureau's LUCA Feedback materials.

2. For each address (or group of addresses), supporting documentary evidence, including a reference to the exact location on the supporting documentation where the Appeals Staff can find specific evidence, supporting the eligible government's position with respect to the existence or correctness of that address. Useful types of supporting evidence include:

a. Documentation of an on-site inspection and/or interview of residents and/or neighbors.

b. Issuance of a recent occupancy permit for the unit. (Building permits are not acceptable, as they do not ensure that the units have been built and/or are occupied.)

c. Provision of utilities (electricity, gas, sewer, water, telephone, etc.) to the residence. The utility record should show that this is not a service to a commercial unit, or an additional service to an existing residence (such as a second telephone line).

d. Provision of other governmental services (driver's licenses, vehicle registrations, voter registrations, housing assistance, welfare, etc.) to residents of the unit.

e. Photography, including aerial photography.

f. Aerial maps printed from an online mapping service.

g. Land use maps.

h. Local 911 emergency lists, if they distinguish residential from commercial units.

i. Tax assessment records, if they distinguish residential from commercial units.

3. Information that demonstrates the quality of address or map reference sources provided as supporting evidence such as:

a. Date of the address source.

b. How often the address source is updated.

c. Methods used to update the source.

d. Quality assurance procedure(s) used in maintaining the address source.

e. How the address source is used by the eligible government and/or by the originator of the source.

All Appeal documentation must be filed with the Appeals Staff within 30 calendar days after the eligible participating government's receipt of its LUCA Feedback materials. The eligible jurisdiction may not submit any materials to the Appeals Staff after the 30-day period has elapsed.

F. Deadline To File Appeals

Appeals must be filed by the eligible participating government within 30 calendar days after that government's receipt of the LUCA Feedback materials. ''Receipt'' as used herein is defined as the delivery date reported to the Census Bureau by the delivery service that transmits the feedback materials to the eligible participating government. In order to safeguard the confidential address materials covered by Title 13, the transmitting of an Appeal to the 2010 Decennial Census LUCA Appeals Staff must adhere to the Census Bureau's specific guidelines for shipping materials. The guidelines will be supplied with the feedback materials. The guidelines specifically prohibit the use of e-mail or fax as secure modes of transmitting confidential materials. The eligible participating government should transmit its Appeal materials to the Appeals Staff via regular or Express Mail or overnight delivery service, and must keep a record of the date it transmits these materials. The ''filing date'' for the Appeal shall be the date the Appeal is postmarked or the date it is shipped by the delivery service. All Appeals filed after the deadline will be denied as untimely.

G. Where To File an Appeal

Appeals must be sent to the 2010 Decennial Census LUCA Appeals Staff, the address for which will be supplied with the feedback materials. Upon receipt of an Appeal, the LUCA Appeals Staff will send a confirmation to the eligible jurisdiction that its Appeal has been received. The Appeals Staff also will notify the Census Bureau that the Appeal has been filed.

H. The Appeals Review and Final Decision Process

The Appeals Process will be administered by the 2010 Decennial Census LUCA Appeals Staff, a temporary Federal entity. The Appeals Staff will include Appeals Officers who are trained in the procedures for processing an Appeal and in the examination and analysis of address list information, locations of addresses and housing units, and supporting materials.

For each Appeal, an Appeals Officer will review the Census Bureau's feedback materials and the written documentation and supporting evidence submitted by the eligible government and consider the quality of the address reference source as the basis for determining the validity of an address (or group of addresses) and its (their) location(s). No testimony or oral argument will be received by the Appeals Officer.

At the conclusion of the review of an appealed address (or group of addresses), the Appeals Officer will prepare a draft written determination. The draft written determination will be reviewed by a higher-level official on the Appeals Staff. The Director of the Appeals Staff (or his or her designee) will then issue a final written determination to both the eligible government and the Census Bureau. The final written determination will include a brief explanation of the Appeals Staff's decision, and will specify how the appealed address(es) or its (their) location(s) should appear on the 2010 Decennial Census Address List. Each final written determination shall become part of the administrative record of the Appeals Process.

The Appeals Staff's decision is final. The Census Bureau will include on the 2010 Decennial Census Address List used for subsequent census operations all addresses added to, or corrected in, the 2010 Census Address List as a result of the Appeals Process, and attempt to locate and enumerate them. Inclusion of an address on the list does not mean that a living quarters with that address exists or that the address will be included in the final 2010 data summaries. The census-taking process will determine the inclusion status of the address—whether or not it is actually a housing unit—and the final population and housing unit status for each address.

I. Completion of the Appeals Process

Appeals reviews will be completed and written determinations issued to the concerned parties as soon as possible. The Census Address List Improvement Act of 1994 (Pub. L. 103–430, 108 Stat 4393 (1994)) requires that all Appeals be resolved before the decennial census date (April 1, 2010).

The Census Bureau's 2010 Decennial Census LUCA Program

The Census Bureau and OMB provide below a summary of the procedures for participation in the 2010 Decennial Census LUCA Program. This information is being provided below for reference purposes only; the 2010 Decennial Census LUCA Program has concluded. Please see the notice published in **Federal Register** on March 7, 2008, (73 FR 12369) for more information on the program.

For the 2010 LUCA Program, participating governmental jurisdictions chose one of three participation options for reviewing the census address list and/or submitting their own local residential address information to the Census Bureau. In addition, they could opt to receive materials in paper or computer-readable formats, or use Census Bureau-supplied software to update their jurisdiction's map features and address list. Jurisdictions with more than 6,000 addresses were required to participate using a computer-readable address list or the Census Bureau-supplied software. All LUCA participants were required to ''geocode'' (*i.e.,* identify for an individual address its correct geographic location including the correct State, county, census tract, and census block codes) each city-style address they added or submitted. The census tract and census block numbers are displayed on the Census Bureau-supplied maps, digital shapefiles, and software tool. Additionally, all LUCA participants could make updates and corrections to the features and boundaries on the Census Bureau-supplied maps or digital shapefiles. Described below are the three options that tribal, State, and local governments could have used to participate in the 2010 Decennial Census LUCA Program.

Option 1—Title 13 Full Address List Review

The Option 1 Full Address List Review option required that the participant sign a Confidentiality Agreement in accordance with Title 13, United States Code (U.S.C.) to maintain the confidentiality of the census address information they received from the Census Bureau for review. The Full Address List Review participants received the 2010 Decennial Census LUCA Address List, the 2010 Decennial Census LUCA Address Count List (providing a count of addresses within each census block), and census maps or digital shapefiles of their jurisdiction. Participants who selected this option were required to have the means to secure the census address list containing Title 13 information.

Although the LUCA Address List contained both city-style (*e.g.,* house number, street name, ZIP Code) and noncity-style (*e.g.,* rural route/box number, post office box number, general delivery, location description) addresses, participants could only add and/or provide updates to city-style addresses. In addition, Option 1 participants could challenge the address count for any census block on their LUCA Address Count List. If the entire governmental jurisdiction contained only noncity-style addresses, Option 1 was the only LUCA Program option the jurisdiction could choose. Participants with both city-style and noncity-style addresses could not provide updates for individual addresses on the LUCA Address List *and* challenge the count of addresses on the LUCA Address Count List within the same census block.

Option 2—Title 13 Local Address List Submission

The Option 2 Title 13 Local Address List Submission option required that the participants sign a Confidentiality Agreement in accordance with Title 13, U.S.C., to maintain the confidentiality of the census address information they received from the Census Bureau. This was a new LUCA option for the 2010 Census intended for those participants who did not have the time or resources to update the 2010 Decennial Census LUCA Address List, but wished to submit their local residential address list for Census Bureau use. Participants who selected this option were required to have the means to secure the census address list containing Title 13 information.

Although Option 2 participants received both the LUCA Address List containing residential city-style and noncity-style addresses and the LUCA Address Count List, these materials could only be used for reference purposes. Option 2 LUCA participants were required to submit their local city-style address list in a Census Bureau-defined computer-readable format. The Census Bureau did not accept Option 2 LUCA participants' local address lists in paper format and did not accept local address lists containing noncity-style addresses.

Option 3—Non-Title 13 Local Address List Submission

The Option 3 Non-Title 13 Local Address List Submission option was also a new LUCA option for the 2010

Census. Under Option 3, participants could choose not to receive and review the 2010 Decennial Census LUCA Address List for their jurisdiction, and not to be required to sign a Confidentiality Agreement. Instead, the participants received the 2010 Decennial Census LUCA Address Count List in computer-readable format for reference purposes only. Option 3 LUCA participants were required to submit their local city-style address list in a Census Bureau-defined computer-readable format. The Census Bureau did not accept Option 3 LUCA participants' local address lists in paper format and did not accept local address lists containing noncity-style addresses.

The Census Bureau's 2010 Decennial Census Address Canvassing Operation

The Census Bureau conducted a nationwide field check called the Address Canvassing Operation to verify the census address list, including the qualifying updates supplied by 2010 Census LUCA participants. The operation began in March of 2009. During this operation, Census Bureau field staff added, deleted, and corrected entries on the Census Address List and made needed corrections to census maps. The Census Bureau's feedback to LUCA Program participants, conveying the Census Bureau's determinations on their submissions of additions and updates to census address information, will be based on the results of Address Canvassing.

The 2010 Decennial Census LUCA Feedback Materials

The Census Bureau will provide 2010 LUCA Feedback materials to qualifying governmental jurisdictions on a flow basis starting in October 2009, and ending in December 2009. The majority of LUCA Program participants will receive their feedback materials in the same media format that they requested for the initial 2010 Census LUCA review materials. Although the initial LUCA review materials stated that the Census Bureau would provide structure coordinates (map spots) for the feedback phase of the program, the Census Bureau will not provide them for housing units collected during the 2009 Address Canvassing Operation due to schedule changes that have delayed the timing of coordinate processing.

The Census Bureau will provide the LUCA Feedback materials after completing the following steps:

(1) For jurisdictions that submitted address updates to the 2010 Decennial Census LUCA Address List or submitted their local address list, the Census Bureau will review and apply each correctly submitted participant address update to its address list, adding any new addresses not already on its list.

(2) The Census Bureau will conduct the Address Canvassing Operation and in the course of doing so will verify the participant suggested address updates (additions, corrections, deletions, etc.). The Address Canvassing Operation will ensure that all address updates and additions exist and that they are in the correct census block.

Potential group quarters (GQs) addresses are identified as ''other living quarters'' for the feedback phase of the LUCA Program. Addresses identified in the Address Canvassing operation as potentially being GQs are later classified as group quarters, housing units, or nonresidential during a separate Census Bureau operation, the Group Quarters Validation, scheduled for October 2009.

Described below are the 2010 Census LUCA Feedback materials that LUCA Program participants will receive under each of the three participation options.

LUCA Feedback for Option 1—Title 13 Full Address List Review Participants

The Census Bureau will provide 2010 Census LUCA Feedback materials to Option 1 tribal, State, or local governments that took any of the following actions:

(1) Submitted updates (*i.e.,* additions, corrections, deletions) to city-style addresses on the 2010 Census LUCA Address List.

(2) Challenged the housing unit address count and/or group quarters address count for one or more census blocks on the 2010 Census LUCA Address Count List.

(3) Updated the Census Bureau maps.

(4) Certified to the Census Bureau at the end of their LUCA review that the 2010 Census LUCA Address List was correct and needed no update.

The 2010 Census LUCA Feedback materials that the Census Bureau will provide to each Option 1 participating government will document which local address additions and updates the Census Bureau accepted or did not accept. The 2010 Census LUCA Feedback materials include:

(1) A Full Address List that contains all of the residential addresses currently recorded in the Census Address List within the participant's jurisdiction. This address list will reflect the results of the jurisdiction's participation in the 2010 Census LUCA Program, the Address Canvassing Operation, and updates from other sources.

(2) A Detailed Feedback Address List that shows each address record addition and update submitted by the participant and a processing code that identifies a specific action taken by the Census Bureau on that address record. The Detailed Feedback Address List will also identify addresses deleted in the Address Canvassing Operation.

(3) A Full Address Count List that shows the current residential address counts, including those for housing units and other living quarters, for each census block within the participant's jurisdiction.

(4) A Detailed Feedback Address Count Challenge List that shows address counts only for those census blocks challenged by the participant or where the address count decreased as a result of Census Bureau operations.

Note—On the Detailed Feedback Address List and the Detailed Feedback Address Count Challenge List, addresses will be reported only with 4-digit basic block numbers instead of any suffixed block numbers that may appear on the other feedback materials. These block numbers will not be suffixed.

(5) A Feedback Address Update Summary Report that displays the tallies of actions taken by the Census Bureau for all of the address updates submitted by the participant.

(6) Feedback maps may include feature updates provided by the participant and/or other updates found by the Census Bureau during the Address Canvassing Operation. Boundary updates from the 2009 Boundary and Annexation Survey submitted after March 1, 2009, may not be reflected.

Note—The 4-digit block number on the Full Address List, Full Address Count List, and Feedback maps will be identical to those appearing on the initial LUCA review materials. However, the suffixes associated with the 4-digit basic block numbers may have no correlation to the suffixes on the initial review materials.

LUCA Feedback for Option 2—Title 13 Local Address List Submission Participants

The Census Bureau will provide 2010 Census LUCA Feedback materials to Option 2 tribal, State, or local governments that took any of the following actions:

(1) Submitted their local city-style address list.

(2) Updated the Census Bureau maps.

(3) Certified to the Census Bureau at the end of their LUCA review that the 2010 Census Address List was correct and a local address list submission was not needed.

The 2010 Census LUCA Feedback materials that the Census Bureau will provide to each Option 2 participating government will document which local address submissions the Census Bureau accepted or did not accept. The 2010 LUCA Feedback materials include:

(1) A Full Address List that contains all of the residential addresses for those housing units and other living quarters currently recorded in the Census Address File within the participant's jurisdiction. This address list will reflect the results of the jurisdiction's participation in the 2010 Census LUCA Program, the Address Canvassing Operation, and other sources.

(2) A Detailed Feedback Address List that shows each address record submitted by the participant and a processing code that identifies a specific action taken by the Census Bureau on that address record. The Detailed Feedback Address List will also identify addresses deleted in the Address Canvassing Operation.

Note—On the Detailed Feedback Address List, addresses will be reported only with 4-digit basic block numbers instead of any suffixed block numbers that may appear on the other feedback materials. These block numbers will not be suffixed.

(3) A Full Address Count List that shows the current residential address counts, including those for housing units and other living quarters, for each census block within the participant's jurisdiction.

(4) A Detailed Feedback Address Count Challenge List that shows address counts only where the address count decreased as a result of Census Bureau operations.

Note—On the Detailed Feedback Address List and the Detailed Feedback Address Count Challenge List, addresses will be reported only with 4-digit basic block numbers instead of any suffixed block numbers that may appear on the other feedback materials. These block numbers will not be suffixed.

(5) A Feedback Address Update Summary Report that displays the tallies of actions taken by the Census Bureau for all of the addresses submitted by the participant.

(6) Feedback Maps may include feature updates provided by the participant and/or other updates found by the Census Bureau during the Address Canvassing Operation. Boundary updates from the 2009 Boundary and Annexation Survey submitted after March 1, 2009, may not be reflected.

Note—The 4-digit block number on the Full Address List, Full Address Count List, and Feedback maps will be identical to those appearing on the initial LUCA review materials. However, the suffixes associated with the 4-digit basic block numbers may have no correlation to the suffixes on the initial review materials.

LUCA Feedback for Option 3—Non-Title 13 Local Address List Submission Participants

The Census Bureau will provide 2010 Census LUCA Feedback materials to Option 3 tribal, State, or local governments that took any of the following actions:

(1) Submitted their local city-style address list.

(2) Updated the Census Bureau maps.

(3) Certified to the Census Bureau at the end of their LUCA review that the 2010 Census Address Count List was correct and a local address list submission was not needed.

The 2010 Census LUCA Feedback materials that the Census Bureau will provide to each Option 3 participating government include:

(1) Feedback Maps that may include feature updates provided by the participant and/or other updates found by the Census Bureau during the Address Canvassing Operation.

(2) A Feedback Address Update Summary Report.

Note—The 4-digit block number on the Feedback maps will be identical to those appearing on the initial LUCA review materials. However, the suffixes associated with the 4-digit basic block numbers may have no correlation to the suffixes on the initial review materials.

The LUCA Feedback for Option 3 participants does not include a Full Address List, Detailed Feedback Address List, a Detailed Feedback Address Count Challenge List, or a Full Address Count List.

Participants under all three options that submitted map updates only without certifying that their address lists were correct will only receive maps/shapefiles as feedback.

Executive Order 12866

This notice has been determined to be not significant under Executive Order 12866.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 35, the Census Bureau requested, and OMB granted its clearance for, the initial mailout of informational materials for this program on June 19, 2009, (OMB Control Number 0607–0795, expires on April 30, 2012). The Census Bureau approval request for remainder of the Appeals Process has yet to be submitted.

Kevin F. Neyland,

Acting Administrator, Office of Information and Regulatory Affairs.

Robert M. Groves,

Director, Bureau of the Census.

[FR Doc. E9–22172 Filed 9–14–09; 8:45 am]

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 774/P.L. 111–50

To designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building". (Aug. 19, 2009; 123 Stat. 1979)

H.R. 987/P.L. 111–51

To designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office". (Aug. 19, 2009; 123 Stat. 1980)

H.R. 1271/P.L. 111–52

To designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building". (Aug. 19, 2009; 123 Stat. 1981)

H.R. 1275/P.L. 111–53

Utah Recreational Land Exchange Act of 2009 (Aug. 19, 2009; 123 Stat. 1982)

H.R. 1397/P.L. 111–54

To designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building". (Aug. 19, 2009; 123 Stat. 1989)

H.R. 2090/P.L. 111–55

To designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building". (Aug. 19, 2009; 123 Stat. 1990)

H.R. 2162/P.L. 111–56

To designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station". (Aug. 19, 2009; 123 Stat. 1991)

H.R. 2325/P.L. 111–57

To designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office". (Aug. 19, 2009; 123 Stat. 1992)

H.R. 2422/P.L. 111–58

To designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building". (Aug. 19, 2009; 123 Stat. 1993)

H.R. 2470/P.L. 111–59

To designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building". (Aug. 19, 2009; 123 Stat. 1994)

H.R. 2938/P.L. 111–60

To extend the deadline for commencement of construction of a hydroelectric project. (Aug. 19, 2009; 123 Stat. 1995)

H.J. Res. 44/P.L. 111–61

Recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army. (Aug. 19, 2009; 123 Stat. 1996)

S.J. Res. 19/P.L. 111–62

Granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact. (Aug. 19, 2009; 123 Stat. 1998)

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