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WHEN: Tuesday, October 20, 2009
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0529]

RIN 1625–AA00

Safety Zone; Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 280-foot radius safety zone on the Chesapeake Bay in the vicinity of the Cape Charles Town Harbor, Cape Charles, VA in support of the Cape Charles Tomato Festival Fireworks event. This action will protect mariners from the hazards associated with fireworks displays by restricting vessel traffic movement in the vicinity of the event.

DATES: This rule is effective on September 26, 2009 from 8 p.m. to 8:30 p.m.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2009–0529 and are available online by going to *http://www.regulations.gov,* selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0529 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard, telephone 757–668–5580, e-mail *tiffany.a.duffy@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On July 20, 2009, we published a notice of proposed rulemaking (NPRM) entitled Cape Charles Tomato Festival, Chesapeake Bay, Cape Charles, VA in the **Federal Register** (74 FR 137). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

Coast Guard Sector Hampton Roads has been notified that the Cape Charles Renewal Project will sponsor a fireworks display on the Chesapeake Bay shoreline centered on position 37°15′46″ N/076°01′30″ W (NAD 1983) on September 26, 2009. Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, the United States Coast Guard will restrict access within 280 feet of the fireworks launch area.

Discussion of Rule

The Coast Guard is establishing a safety zone on the navigable waters of the Chesapeake Bay within 280 feet of position 37°15′46″ N/076°01′30″ W (NAD 1983). This safety zone will be established in the vicinity of the Cape Charles Town Harbor, Cape Charles, VA on September 26, 2009. In the interest of public safety, access to the safety zone will be restricted from 8 p.m. to 8:30 p.m. on September 26, 2009. Except for participants and vessels authorized by the Coast Guard Captain of the Port or his representative, no person or vessel will be authorized to enter or remain in the regulated area.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation restricts access to the safety zone, the effect of this rule would not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone would be of limited size; and (iii) the Coast Guard would make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: owners and operators of vessels intending to transit or anchor in that portion of the Chesapeake Bay from 8 p.m until 8:30 p.m. on September 26, 2009. The safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The safety zone will only be in place for a limited duration. The safety zone will be of limited size. Maritime advisories will be issued allowing the mariners to adjust their plans accordingly. Furthermore, since the safety zone will apply to only a small portion of the Chesapeake Bay, there will be adequate space for mariners to safely transit around the zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so

that they could better evaluate its effects on them and participate in the rulemaking process.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves establishing a safety zone around a fireworks display. The fireworks will be launched from a land area; however some fallout debris, to include live fireworks or hot embers, may enter the water within a 280 foot radius of the launching site. This zone is designed to protect the maritime public from the hazards associated with fireworks displays. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T05–0529, to read as follows:

§ 165.T05–0529 Safety Zone: Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA.

(a) *Regulated Area.* The following area is a safety zone: All navigable waters within 280 feet of position 37°15′46″ N/076°01′30″ W (NAD 1983), in the vicinity of the Cape Charles Town Harbor in Cape Charles, VA.

(b) *Definitions.* As used in this section, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations:* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the

Captain of the Port, Hampton Roads or his designated representatives.

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

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

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

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

(4) The Captain of the Port Representative enforcing the safety zone can be contacted on VHF–FM marine band radio, channel 13 (156.65Mhz) and channel 16 (156.8Mhz).

(d) Enforcement Period. This rule is effective on September 26, 2009 from 8 p.m. to 8:30 p.m.

Dated: August 24, 2009.

M.S. Ogle,

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

[FR Doc. E9–22458 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0747]

RIN 1625–AA00

Safety Zone; San Clemente Island Northwest Harbor October and November Training; Northwest Harbor, San Clemente Island, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

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

DATES: This rule is effective from October 1, 2009 through November 30, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0747 and are available online by going to *http://www.regulations.gov,* inserting USCG–2009–0747 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Petty Officer Kristen Beer, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619–278–7262, e-mail *Kristen.A.Beer@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is necessary to ensure the safety of commercial and recreational vessels in the vicinity of any underwater detonation on the dates and times this rule will be in effect and delay would be contrary to the public interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delay in the effective date would be contrary to the public interest, since immediate action is needed to ensure the public's safety.

Background and Purpose

The Navy will be conducting intermittent training involving the detonation of military grade explosives underwater throughout October and November 2009. This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activity.

Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from October 1, 2009 through November 30, 2009. The limits of the safety zone will be the navigable waters of the Northwest Harbor of San Clemente Island bounded by the following coordinates: 33°02′06″ N, 118°35′36″ W; 33°02′00″ N, 118°34′36″ W; thence along San Clemente Island shoreline to 33°02′06″ N, 118°35′36″ W. This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activities. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Regulatory Analyses

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

Regulatory Planning and Review

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

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

Small Entities

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

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of commercial and recreational vessels intending to transit or anchor in a portion of the Northwest Harbor of San Clemente Island from October 1, 2009 through November 30, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Although the safety zone will apply to the entire width of the harbor, commercial and recreational vessels will be allowed to pass through the zone with the permission of the U.S. Navy or Coast Guard COTP San Diego. Before the effective periods, the Coast Guard will issue broadcast notice to mariners (BNM) alerts and publish local notice to mariners (LNM).

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a temporary safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a new temporary section § 165.T11–232 to read as follows:

§ 165.T11–232 Safety Zone; San Clemente Island Northwest Harbor October and November Training; Northwest Harbor, San Clemente Island, CA.

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

(b) *Enforcement Period.* This section will be enforced from October 1, 2009 through November 30, 2009 during naval training exercises. If the training is concluded prior to the scheduled termination time, the COTP will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated representative* means any Commissioned, Warrant, or Petty Officers of the Coast Guard, Coast Guard Auxiliary, or local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the COTP.

(2) *Non-authorized personnel and vessels*, means any civilian boats, fishermen, divers, and swimmers.

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

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

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

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

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

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

Dated: August 31, 2009.

T.H. Farris,

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

[FR Doc. E9–22462 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0748]

RIN 1625–AA00

Safety Zone; Naval Training October and November; San Clemente Island, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

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

DATES: This rule is effective from October 1, 2009 until November 30, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0748 and are available online by going to *http://www.regulations.gov,* inserting USCG–2009–0748 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Petty Officer Kristen Beer, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619–278–7262, e-mail *Kristen.A.Beer@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is necessary to ensure the safety of commercial and recreational vessels in the vicinity of any live fire training on the dates and times this rule will be in effect and delay would be contrary to the public interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would expose mariners to the dangers posed by the training operations.

Background and Purpose

The Navy will be conducting intermittent training involving live fire exercises throughout October and November 2009. This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activity.

Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from October 1, 2009, through November 30, 2009. The limits of the safety zone will be the navigable waters of the Pacific Ocean at the north end of San Clemente Island bounded by the following coordinates:

33°01.09′ N, 118°36.34′ W;
32°59.95′ N, 118°39.77′ W;
running parallel to the shoreline at approximately 3 NM to 33°02.81′ N, 118°30.65′ W;
33°01.29′ N, 118°33.88′ W;
along the shoreline to 33°01.09′ N, 118°36.34′ W.

This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activities. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety

zone unless authorized by the Captain of the Port, or his designated representative.

Regulatory Analyses

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

Regulatory Planning and Review

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. Commercial and recreational vessels will not be allowed to transit through the designated safety zone during specified times of training.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Pacific Ocean on the north end of San Clemente Island from October 1, 2009 until November 30, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be enforced only during naval training exercises. Vessel traffic can pass safely around the zone. Traffic will be allowed to pass through the zone with the permission of the U.S. Navy or U.S. Coast Guard. Before the effective period, the Coast Guard will issue broadcast notice to mariners (BNM) alerts.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a new temporary section § 165.T11–233 to read as follows:

§ 165.T11–233 Safety Zone; Naval Training October and November; San Clemente Island, CA.

(a) *Location.* The limits of the safety zone will be the navigable waters of the Pacific Ocean at the north end of San Clemente Island bounded by the following coordinates:

33°01.09′ N, 118°36.34′ W;
32°59.95′ N, 118°39.77′ W;
running parallel to the shoreline at approximately 3 NM to 33°02.81′ N, 118°30.65′ W; 33°01.29′ N, 118°33.88′ W; along the shoreline to 33°01.09′ N, 118°36.34′ W.

(b) *Enforcement Period.* This section will be enforced from October 1, 2009 through November 30, 2009 during naval training exercises. If the training is concluded prior to the scheduled termination time, the COTP will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

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

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

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

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

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

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

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

Dated: August 31, 2009.

T.H. Farris,

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

[FR Doc. E9–22463 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2009–0729; FRL–8430–3]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 12 chemical substances which were the subject of premanufacture notices (PMNs). Two of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture, import, or process any of these 12 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

DATES: The effective date of this rule is November 17, 2009 without further notice, unless EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments before October 19, 2009. This rule shall be promulgated for purposes of judicial review at 1 p.m. (e.s.t.) on October 2, 2009.

If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before October 19, 2009, EPA will withdraw the relevant sections of this direct final rule before its effective date. EPA will then issue a proposed SNUR for the chemical substance(s) on which adverse or critical comments were received, providing a 30–day period for public comment.

Significant new use designations for a chemical substance are legally established as of the date of publication of this direct final rule September 18, 2009. See the discussion in Unit VII. for more specific details.

Any persons intending to import or export a chemical substance that is the subject of this rule on or after October 19, 2009 are subject to the TSCA section 13 import certification requirements and the export notification provisions of TSCA section 12(b). See the discussion in Unit I.A. and Unit II.C. for more specific details.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2009–0729, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania

Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: OPPT Document Control Office (DCO), EPA East, Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2009–0729. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2009–0729. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Tracey Klosterman, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–2209; e-mail address: *klosterman.tracey@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substances contained in this rule. Potentially affected entities may include, but are not limited to:

• Manufacturers, importers, or processors of one or more subject chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28 (the corresponding EPA policy appears at 40 CFR part 707, subpart B). Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule on or after October 19, 2009 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

EPA is promulgating these SNURs using direct final procedures. These SNURs will require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of a chemical substance for any activity designated by these SNURs as a significant new use. Receipt of such notices allows EPA to assess risks that may be presented by the intended uses and, if appropriate, to regulate the proposed use before it occurs. Additional rationale and background to these rules are more fully set out in the preamble to EPA's first direct final SNUR published in the **Federal Register** of April 24, 1990 (55 FR 17376). Consult that preamble for further information on the objectives, rationale, and procedures for SNURs and on the basis for significant new use designations, including provisions for developing test data.

B. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. The mechanism for reporting under this requirement is established under § 721.5.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Chemical importers are subject to the TSCA section 13 (15 U.S.C. 1612) import certification requirements promulgated at 19 CFR 12.118 through 12.127, and 19 CFR 127.28 (the corresponding EPA policy appears at 40 CFR part 707, subpart B). Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemical substances subject to a final SNUR must certify their compliance with the SNUR requirements. In addition, any persons who export or intend to export a chemical substance identified in a final SNUR are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2612 (b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the 12 chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four factors listed in TSCA section 5(a)(2) and this unit.

IV. Substances Subject to this Rule

EPA is establishing significant new use and recordkeeping requirements for 12 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- CAS number (if assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) consent order or, for non-section 5(e) SNURs, the basis for the SNUR (i.e., SNURs without TSCA section 5(e) consent orders).
- Toxicity concerns.
- Tests recommended by EPA to provide sufficient information to evaluate the chemical substance (see Unit VIII. for more information).
- CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of this rule specifies the activities designated as significant new uses. Certain new uses, including production volume limits (i.e., limits on manufacture and importation volume) and other uses designated in this rule, may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

This rule includes 2 PMN substances that are subject to ''risk-based'' consent orders under TSCA section 5(e)(1)(A)(ii)(I) where EPA determined that activities associated with the PMN substances may present unreasonable risk to human health or the environment. Those consent orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The so-called ''5(e) SNURs'' on these PMN substances are promulgated pursuant to § 721.160, and are based on and consistent with the provisions in the underlying consent orders. The 5(e) SNURs designate as a ''significant new use'' the absence of the protective

measures required in the corresponding consent orders.

Where EPA determined that the PMN substance may present an unreasonable risk of injury to human health via inhalation exposure, the underlying TSCA section 5(e) consent order usually requires, among other things, that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below a New Chemical Exposure Limit (NCEL) that is established by EPA to provide adequate protection to human health. In addition to the actual NCEL concentration, the comprehensive NCELs provisions in TSCA section 5(e) consent orders, which are modeled after Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PELs) provisions, include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. However, no comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELs as an alternative to the § 721.63 respirator requirements may request to do so under § 721.30. EPA expects that persons whose § 721.30 requests to use the NCELs approach for SNURs are approved by EPA will be required to comply with NCELs provisions that are comparable to those contained in the corresponding TSCA section 5(e) consent order for the same chemical substance.

This rule also includes SNURs on 10 PMN substances that are not subject to consent orders under TSCA section 5(e). In these cases, for a variety of reasons, EPA did not find that the use scenario described in the PMN triggered the determinations set forth under TSCA section 5(e). EPA, however, does believe that certain changes from the use scenario described in the PMN could result in increased exposures, thereby constituting a ''significant new use.'' These so-called ''non-5(e) SNURs'' are promulgated pursuant to § 721.170. EPA has determined that every activity designated as a ''significant new use'' in all non-5(e) SNURs issued under § 721.170 satisfies the two requirements stipulated in § 721.170(c)(2), i.e., these significant new use activities, ''(i) are different from those described in the premanufacture notice for the substance, including any amendments, deletions, and additions of activities to the premanufacture notice, and (ii) may be accompanied by changes in exposure or release levels that are significant in relation to the health or environmental concerns identified'' for the PMN substance.

PMN Number P–05–775

Chemical name: Benzeneethanol,halo-,halocycloalkyl-,hydrazinealkyl- (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) consent order: May 8, 2008.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the substance will be as an intermediate used in a closed process. The order was issued under sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to human health and the environment. To protect against this risk, the consent order requires dermal protection, hazard communication, and water release restrictions. The SNUR designates as a ''significant new use'' the absence of these protective measures.

Toxicity concern: Based on test data on the PMN substance, analogous hydrazines and other (confidential) moieties of the PMN substance, EPA identified concerns for mutagenicity, skin sensitization, liver toxicity, kidney toxicity, neurotoxicity, and eye irritation from dermal exposure. Further, based on test data for analogous hydrazines, EPA predicts aquatic toxicity at concentrations that exceed 0.1 parts per billion (ppb) from releases of the PMN substance to the environment.

Recommended testing: EPA has determined that the results of the following tests would help characterize the human health and environmental effects of the PMN substance: A fish early-life stage toxicity test (OPPTS Harmonized Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Harmonized Test Guideline 850.1300); an algal toxicity test, tiers I and II (OPPTS Harmonized Test Guideline 850.5400); a repeated dose oral toxicity in rodents with reproductive, developmental and neurotoxicity screening (Organisation for Economic Co-operation and Development (OECD) 422 test guideline) for a duration of 90–days; a bacterial reverse mutation test (OPPTS Harmonized Test Guideline 870.5100); and a mammalian erythrocyte micronucleus test (OPPTS Harmonized Test Guideline 870.5395) via the intraperitoneal route. Depending upon the results of mutagenicity testing, a two year carcinogenicity study (OPPTS Harmonized Test Guideline 870.4200) may be warranted. Further, a certificate of analysis should be provided for the test substance. The order does not require the submission of the aforementioned information at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN substance will remain in effect until the order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10157.

PMN Number P–06–16

Chemical name: 2-Pentanone, 3,5-dichloro-.

CAS number: 58371–98–5.

Effective date of TSCA section 5(e) consent order: May 8, 2008.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the substance will be as an intermediate used in a closed process. The order was issued under sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to human health and the environment. To protect against this risk, the consent order requires dermal and respiratory protection, hazard communication, and water release restrictions. The SNUR designates as a ''significant new use'' the absence of these protective measures.

Toxicity concern: Based on test data on the PMN substance and analogous haloketones, EPA identified concerns for acute inhalation toxicity, mutagenicity, developmental toxicity, skin sensitization, systemic toxicity, and neurotoxicity from inhalation or dermal exposure. Further, based on test data on analogous neutral organic chemicals and haloketones, and potential excess toxicity due to reactivity (hydrolysis), EPA predicts aquatic toxicity at concentrations that exceed 0.1 ppb resulting from releases of the PMN substance to the environment.

Recommended testing: EPA has determined that the results of the following tests would help characterize possible human health and environmental effects of the PMN substance: A fish early-life stage toxicity test (OPPTS Harmonized Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Harmonized Test Guideline 850.1300); an algal toxicity test, tiers I and II (OPPTS Harmonized Test Guideline 850.5400); a repeated dose oral toxicity in rodents with reproductive, developmental and neurotoxicity screening (OECD 422 test guideline) for a duration of 90–days; a

bacterial reverse mutation test (OPPTS Harmonized Test Guideline 870.5100); and a mammalian erythrocyte micronucleus test (OPPTS Harmonized Test Guideline 870.5395) via the intraperitoneal route. Depending upon the results of mutagenicity testing, a 2–year carcinogenicity study (OPPTS Harmonized Test Guideline 870.4200) may be warranted. Further, a certificate of analysis should be provided for the test substance. The order does not require the submission of the aforementioned information at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN substance will remain in effect until the order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10158.

PMN Number P–07–587

Chemical name: 1-Docosanamine, N,N-dimethyl-.

CAS number: 21542–96–1.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a chemical intermediate. Based on test data on the PMN substance and analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in release to surface waters may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170 (b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test mitigated by humic acid (OPPTS Harmonized Test Guideline 850.1085) would help characterize the environmental effects of the PMN substance. The test substance should be the chloride salt of the PMN substance at pH 7. Further, a certificate of analysis should be provided for the test substance.

CFR citation: 40 CFR 721.10159.

PMN Number P–07–629

Chemical name: Poly(oxy-1,2-ethanediyl), .alpha.-[(13Z)-1-oxo-13-docosen-1-yl]-.omega.-[[(13Z)-1-oxo-13-docosen-1-yl]oxy]-.

CAS number: 56565–72–1.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a polymer additive. Based on test data on analogous nonionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 20 ppb of the PMN substance in surface waters. For the use described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 20 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN could result in exposures which may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Harmonized Test Guideline 835.3110); a fish acute toxicity test (OPPTS Harmonized Test Guideline 850.1075); an aquatic invertebrate acute toxicity test with freshwater daphnids (OPPTS Harmonized Test Guideline 850.1010); and an algal toxicity test, tiers I and II (OPPTS Harmonized Test Guideline 850.5400) would help characterize the environmental effects of the PMN substance. Aquatic toxicity testing should be performed using the static method with nominal concentrations. Further, a certificate of analysis should be provided for the test substance.

CFR citation: 40 CFR 721.10160.

PMN Number P–08–3

Chemical name: Substituted silyl methacrylate (generic).

CAS number: Not available.

Basis for action: The PMN states that the substance will be used as an intermediate for a paint binder. Based on test data on analogous acrylates and neutral organic chemicals, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in release to surface waters may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a hydrolysis as a function of pH test (OPPTS Harmonized Test Guideline 835.2120) and a ready biodegradability test (OPPTS Harmonized Test Guideline 835.3110) would help characterize the possible fate attributes of the PMN substance. If the results of the ready biodegradation test demonstrate that the hydrolysis product remains intact, then a shake-flask die-away test (OPPTS Harmonized Test Guideline 835.3170) and a fish bioconcentration test (OPPTS Harmonized Test Guideline 850.1730) may be warranted. Further, a certificate of analysis should be provided for the test substance.

CFR citation: 40 CFR 721.10161.

PMN Number P–08–24

Chemical name: 1,3 Dioxolane-4-butanol, 2-ethenyl-.

CAS number: 2421–08–1.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a crosslinking agent to be ultimately used in the manufacture of automotive and aircraft coating materials. Based on test data on an expected hydrolysis product for an analogous chemical, EPA has concerns for mutagenicity, oncogenicity, developmental toxicity, liver toxicity, kidney toxicity, and skin sensitization and irritation for the PMN substance. As described in the PMN, significant worker exposure is not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN could result in exposures which may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of a repeated dose 28–day oral toxicity study (OPPTS Harmonized Test Guideline 870.3050) in rodents would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10162.

PMN Number P–08–33

Chemical name: Chloro fluoro alkane (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a chemical intermediate. EPA identified health and environmental concerns because the substance may be a persistent, bioaccumulative, and toxic (PBT) chemical, based on physical/chemical properties of the PMN substance, as

described in the New Chemicals Program's PBT Category (64 FR 60194; November 4, 1999) (FRL–6097–7). EPA estimates that the PMN substance will persist in the environment for more than six months and estimates a bioaccumulation factor of greater than or equal to 1,000. Also, based on test data on analogous haloalkanes, EPA predicts toxicity to aquatic organisms. As described in the PMN, significant worker exposure is unlikely and the substance is not released to surface waters. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that domestic manufacture, exceedance of the annual import volume limit of 50,000 kilograms, or any predictable or purposeful release containing the PMN substance into the waters of the United States may cause serious health effects and significant adverse environmental effects, since the PMN substance has been characterized by EPA as a PBT. Based on this information, the PMN substance meets the concern criteria at § 721.170 (b)(3)(ii), (b)(4)(ii), and (b)(4)(iii).

Recommended testing: EPA has determined that the results of the tiered testing as described in the New Chemicals Program's PBT Category would help characterize the PBT attributes of the PMN substance. The fish bioconcentration factor (BCF) test should be conducted using the flow through method with measured concentrations and include a certificate of analysis for the test substance showing percentage and level of impurities; measured BCF should be based on 100% active ingredient and measured concentrations.

CFR citation: 40 CFR 721.10163.

PMN Number P–08–36

Chemical name: Benzenecarboximidamide, N-hydroxy-4-nitro-.

CAS number: 1613–86–1.

Basis for action: The PMN states that the substance will be used as a chemical intermediate. Based on test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 400 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not expected to be released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in release to surface waters may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Harmonized Test Guideline 850.1075); an aquatic invertebrate acute toxicity test with freshwater daphnids (OPPTS Harmonized Test Guideline 850.1010); and an algal toxicity test, tiers I and II (OPPTS Harmonized Test Guideline 850.5400) would help characterize the environmental effects of the PMN substance. Fish and daphnia testing should be performed using the flow through method with measured concentrations. Algal testing should be performed using the static method with measured concentrations. Further, a certificate of analysis should be provided for the test substance.

CFR citation: 40 CFR 721.10164.

PMN Number P–08–138

Chemical name: Carbonotrithioic acid, bis(phenylmethyl) ester.

CAS number: 26504–29–0.

Basis for action: The PMN states that the substance will be used as a chain transfer agent. EPA identified health and envronmental concerns because the substance may be a PBT chemical, based on physical/chemical properties of the PMN substance, as described in the New Chemicals Program's PBT Category (64 FR 60194, November 4, 1999). EPA estimates that the PMN substance will persist in the environment for more than two months and estimates a bioaccumulation factor of greater than or equal to 5,000. Also, based on test data for analogous esters, EPA predicts toxicity to aquatic organisms. As described in the PMN, significant worker exposure is unlikely and the substance is not released to surface waters. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that domestic manufacture or any predictable or purposeful release containing the PMN substance into the waters of the United States may cause serious health effects and significant adverse environmental effects, since the PMN substance has been characterized by EPA as a PBT. Based on this information, the PMN substance meets the concern criteria at § 721.170 (b)(3)(ii), (b)(4)(ii), and (b)(4)(iii).

Recommended testing: EPA has determined that the results of the tiered testing described in the New Chemicals Program's PBT Category would help characterize the PBT attributes of the PMN substance. Further, a certificate of analysis should be provided for the test substance.

CFR citation: 40 CFR 721.10165.

PMN Number P–08–180

Chemical name: 1,3-Cyclohexanedione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-, ion(1-), potassium salt (1:1).

CAS number: 1121649–70–4.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a precursor to another chemical substance. Based on test data on the PMN substance, EPA has concerns for developmental and systemic toxicity in humans. EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 0.1 ppb of the PMN substance in surface waters. As described in the PMN, significant worker exposure is not expected for the use described and the substance will not be released to surface waters in amounts resulting in surface water concentrations that exceed 0.1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface waters concentrations that exceed 0.1 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170 (b)(3)(i) and (b)(4)(i).

Recommended testing: EPA has determined that the results of the following tests would help characterize the human health and environmental effects of the PMN substance: A porous pot test (OPPTS Harmonized Test Guideline 835.3220); and either (1) a sediment/water microcosm biodegradation test (OPPTS Harmonized Test Guideline 835.3180), (2) a site-specific aquatic microcosm test, laboratory (OPPTS Harmonized Test Guideline 850.1925), or (3) a field testing for aquatic organisms (OPPTS Harmonized Test Guideline 850.1950).

CFR citation: 40 CFR 721.10166.

PMN Number P–08–212

Chemical name: Tetrafluoro nitrotoluene (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a chemical intermediate. Based on test data on analogous neutral organic chemicals, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 200 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not expected to be released to surface

waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in release to surface waters may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).
Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Harmonized Test Guideline 850.1075); an aquatic invertebrate acute toxicity test with freshwater daphnids (OPPTS Harmonized Test Guideline 850.1010); and an algal toxicity test, tiers I and II (OPPTS Harmonized Test Guideline 850.5400) would help characterize the environmental effects of the PMN substance. Fish and daphnia testing should be performed using the flow-through method with measured concentrations. Algal testing should be preformed using the static method with measured concentrations. Further, a certificate of analysis should be provided for the test substance.
CFR citation: 40 CFR 721.10167.

PMN Number P–08–275

Chemical name: Cesium tungsten oxide.
CAS number: 52350–17–1.
Basis for action: The PMN states that the substance will be used as a component of infrared absorption material. Based on test data on analogous crystalline respirable, poorly soluble particulates, EPA has concerns for lung overload and lung cancer for the PMN substance. As described in the PMN, significant worker exposure is unlikely as dermal absorption is not expected and inhalation exposures are expected to be negligible because the PMN substance is used in aqueous form. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that manufacturing, processing, or use of the substance as a solid may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170 (b)(1)(i)(C) and (b)(3)(ii).
Recommended testing: EPA has determined that the results of a 90–day inhalation toxicity study (OPPTS Harmonized Test Guideline 870.3465) with a 60–day holding period in rats and with special attention to the histopathology of the lungs would help characterize the human health effects of the PMN substance. Depending on the results of this testing, a 2–year inhalation carcinogenicity study (OPPTS Harmonized Test Guideline 870.4200) may be warranted.
CFR citation: 40 CFR 721.10168.

V. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that for 2 of the 12 chemical substances, regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) consent orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. The SNUR provisions for these chemical substances are consistent with the provisions of the TSCA section 5(e) consent orders. These SNURs are promulgated pursuant to § 721.160.

In the other 10 cases, where the uses are not regulated under a TSCA section 5(e) consent order, EPA determined that one or more of the criteria of concern established at § 721.170 were met, as discussed in Unit IV.

B. Objectives

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this rule:

- EPA will receive notice of any person's intent to manufacture, import, or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing, importing, or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers, importers, or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6, or 7.
- EPA will ensure that all manufacturers, importers, and processors of the same chemical substance that is subject to a TSCA section 5(e) consent order are subject to similar requirements.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/opptintr/newchems/pubs/invntory.htm*.

VI. Direct Final Procedures

EPA is issuing these SNURs as a direct final rule, as described in § 721.160(c)(3) and § 721.170(d)(4). In accordance with § 721.160(c)(3)(ii) and § 721.170(d)(4)(i)(B), the effective date of this rule is November 17, 2009 without further notice, unless EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments before October 19, 2009.

If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before October 19, 2009, EPA will withdraw the relevant sections of this direct final rule before its effective date. EPA will then issue a proposed SNUR for the chemical substance(s) on which adverse or critical comments were received, providing a 30–day period for public comment.

This rule establishes SNURs for a number of chemical substances. Any person who submits adverse or critical comments, or notice of intent to submit adverse or critical comments, must identify the chemical substance and the new use to which it applies. EPA will not withdraw a SNUR for a chemical substance not identified in the comment.

VII. Applicability of Rule to Uses Occurring Before Effective Date of the Rule

To establish a significant ''new'' use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. TSCA section 5(e) consent orders have been issued for 2 chemical substances and the PMN submitters are prohibited by the TSCA section 5(e) consent orders from undertaking activities which EPA is designating as significant new uses. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no other person may commence such activities without first submitting a PMN. For chemical substances for which an NOC has not been submitted at this time, EPA concludes that the uses are not ongoing. However, EPA recognizes that prior to the effective date of the rule, when chemical substances identified in this SNUR are added to the TSCA Inventory,

other persons may engage in a significant new use as defined in this rule before the effective date of the rule. However, 4 of the 12 chemical substances contained in this rule have CBI chemical identities, and since EPA has received a limited number of post-PMN *bona fide* submissions (per § 720.25 and § 721.11), the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

As discussed in the **Federal Register** of April 24, 1990, EPA has decided that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of this direct final rule rather than as of the effective date of the rule. If uses begun after publication were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements because a person could defeat the SNUR by initiating the significant new use before the rule became effective, and then argue that the use was ongoing before the effective date of the rule. Thus, persons who begin commercial manufacture, import, or processing of the chemical substances regulated through this SNUR will have to cease any such activity before the effective date of this rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires (see Unit III.).

EPA has promulgated provisions to allow persons to comply with this SNUR before the effective date. If a person meets the conditions of advance compliance under § 721.45(h), the person is considered exempt from the requirements of the SNUR.

VIII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN, except where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)). Persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see § 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. In cases where EPA issued a TSCA section 5(e) consent order that requires or recommends certain testing, Unit IV. lists those tests. Unit IV. also lists recommended testing for non-5(e) SNURs. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Many OPPTS Harmonized Test Guidelines are now available on the Internet at *http://www.epa.gov/opptsfrs/home/guidelin.htm*. The Organisation for Economic Co-operation and Development (OECD) test guidelines are available from the OECD Bookshop at *http://www.oecdbookshop.org* or SourceOECD at *http://www.sourceoecd.org*.

In the TSCA section 5(e) consent orders for several of the chemical substances regulated under this rule, EPA has established production volume limits in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These limits cannot be exceeded unless the PMN submitter first submits the results of toxicity tests that would permit a reasoned evaluation of the potential risks posed by these chemical substances. Under recent TSCA section 5(e) consent orders, each PMN submitter is required to submit each study at least 14 weeks (earlier TSCA section 5(e) consent orders required submissions at least 12 weeks) before reaching the specified production limit. Listings of the tests specified in the TSCA section 5(e) consent orders are included in Unit IV. The SNURs contain the same production volume limits as the TSCA section 5(e) consent orders. Exceeding these production limits is defined as a significant new use. Persons who intend to exceed the production limit must notify the Agency by submitting a SNUN at least 90 days in advance of commencement of non-exempt commercial manufacture, import, or processing.

The recommended tests may not be the only means of addressing the potential risks of the chemical substance. However, SNUNs submitted for significant new uses without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Potential benefits of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI. This rule cross-references § 721.1725(b)(1) and is similar to that in § 721.11 for situations where the chemical identity of the chemical substance subject to a SNUR is CBI. This procedure is cross-referenced in each SNUR that includes specific significant new uses that are CBI.

Under these procedures a manufacturer, importer, or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer, importer, or processor must show that it has a *bona fide* intent to manufacture, import, or process the chemical substance and must identify the specific use for which it intends to manufacture, import, or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture, import, or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers, importers, and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, i.e., the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture, import, or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns,

EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

As stated in Unit II.C., according to § 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be mailed to the Environmental Protection Agency, OPPT Document Control Office (7407M), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. Information must be submitted in the form and manner set forth in EPA Form No. 7710–25. This form is available from the Environmental Assistance Division (7408M), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001 (see § 721.25 and § 720.40). Forms and information are also available electronically at *http://www.epa.gov/opptintr/newchems/pubs/pmnforms.htm*.

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers, importers, and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket.

XII. Statutory and Executive Order Reviews

A. Executive Order 12866

This rule establishes SNURs for several new chemical substances that were the subject of PMNs, or TSCA section 5(e) consent orders. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of these SNURs will not have a significant adverse economic impact on a substantial number of small entities. The rationale supporting this conclusion is discussed in this unit. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of over 1,000 SNURs, the Agency receives on average only 5 notices per year. Of those SNUNs submitted from 2006–2008, only one appears to be from a small entity. In addition, the estimated reporting cost for submission of a SNUN (see Unit XI.) is minimal regardless of the size of the firm. Therefore, EPA believes that the potential economic impacts of complying with these SNURs are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this rule. As such, EPA has determined that this rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

E. Executive Order 13132

This action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This rule does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This does not significantly or uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), do not apply to this rule.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

In addition, since this action does not involve any technical standards, 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), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

XIII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, 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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 11, 2009.

Wendy C. Hamnett,

Acting Director, Office of Pollution Prevention and Toxics.

■ Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. The table in § 9.1 is amended by adding the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.10157	2070–0012
721.10158	2070–0012
721.10159	2070–0012
721.10160	2070–0012
721.10161	2070–0012
721.10162	2070–0012
721.10163	2070–0012
721.10164	2070–0012
721.10165	2070–0012
721.10166	2070–0012
721.10167	2070–0012
721.10168	2070–0012
* * * * *	

* * * * *

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. By adding new § 721.10157 to subpart E to read as follows:

§ 721.10157 Benzeneethanol, halo-,halocycloalkyl-,hydrazinealkyl- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as benzeneethanol,halo-,halocycloalkyl-,hydrazinealkyl (PMN P–05–775) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (b) (concentration set at 1.0%), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 1.0%), (f), (g)(1)(i) (eye irritation), (g)(1)(iii), (g)(1)(iv), (g)(1)(viii) (sensitization), (g)(1)(ix), (g)(2)(i), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4) (resulting in receiving stream levels exceeding 0.1 parts per billion (ppb)), and (g)(5).

(iii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=0.1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), (f), (g), (h), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 5. By adding new § 721.10158 to subpart E to read as follows:

§ 721.10158 2-Pentanone, 3,5-dichloro-.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as 2-pentanone, 3,5-dichloro- (PMN P–06–16; CAS No. 58371–98–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace*. Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), (a)(5), (a)(6), (b) (concentration set at 1.0%), and (c). Respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. The following NIOSH-approved respirator with an APF of 50 meets the minimum requirements for § 721.63(a)(4): NIOSH-approved air-purifying, tight-fitting full facepiece respirator equipped with combination organic gas/vapor P100 cartridges (organic vapor, acid gas, or substance-specific).

(ii) *Hazard communication program*. Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 1.0%), (f), (g)(1)(i), (g)(1)(ii), (g)(1)(iii), (g)(1)(iv), (g)(1)(viii), (g)(1)(ix), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4) (resulting in receiving stream levels exceeding 0.1 parts per billion (ppb)), and (g)(5).

(iii) *Release to water*. Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=0.1).

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), (f), (g), (h), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

■ 6. By adding new § 721.10159 to subpart E to read as follows:

§ 721.10159 1-Docosanamine, N,N-dimethyl-.

(a) *Chemical substance and significant new uses subject to reporting*. (1) The chemical substance identified as 1-docosanamine, N,N-dimethyl- (PMN P–07–587; CAS No. 21542–96–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water*. Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

■ 7. By adding new § 721.10160 to subpart E to read as follows:

§ 721.10160 Poly(oxy-1,2-ethanediyl), .alpha.-[(13Z)-1-oxo-13-docosen-1-yl]-.omega.-[[(13Z)-1-oxo-13-docosen-1-yl]oxy]-.

(a) *Chemical substance and significant new uses subject to reporting*. (1) The chemical substance identified as poly(oxy-1,2-ethanediyl), .alpha.-[(13Z)-1-oxo-13-docosen-1-yl]-.omega.-[[(13Z)-1-oxo-13-docosen-1-yl]oxy]- (PMN P–07–629; CAS No. 56565–72–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities*. Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section*. The provisions of § 721.1725(b)(1) apply to this section.

■ 8. By adding new § 721.10161 to subpart E to read as follows:

§ 721.10161 Substituted silyl methacrylate (generic).

(a) *Chemical substance and significant new uses subject to reporting*. (1) The chemical substance identified generically as substituted silyl methacrylate (PMN P–08–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water*. Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

■ 9. By adding new § 721.10162 to subpart E to read as follows:

§ 721.10162 1,3 Dioxolane-4-butanol, 2-ethenyl-.

(a) *Chemical substance and significant new uses subject to reporting*. (1) The chemical substance identified as 1,3 dioxolane-4-butanol, 2-ethenyl- (PMN P–08–24; CAS No. 2421–08–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities*. Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements*. The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section*. The provisions of § 721.1725(b)(1) apply to this section.

■ 10. By adding new § 721.10163 to subpart E to read as follows:

§ 721.10163 Chloro fluoro alkane (generic).

(a) *Chemical substance and significant new uses subject to reporting*. (1) The chemical substance identified generically as chloro fluoro alkane (PMN P–08–33) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities*. Requirements as specified in § 721.80 (f) and (s) (50,000 kilograms).

(ii) *Release to water*. Requirements as specified in § 721.90 (b)(1) and (c)(1).

(b) *Specific requirements*. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping*. Recordkeeping requirements as specified in § 721.125

(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 11. By adding new § 721.10164 to subpart E to read as follows:

§ 721.10164 Benzenecarboximidamide, N-hydroxy-4-nitro-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as benzenecarboximidamide, N-hydroxy-4-nitro- (PMN P–08–36; CAS No. 1613–86–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. By adding new § 721.10165 to subpart E to read as follows:

§ 721.10165 Carbonotrithioic acid, bis(phenylmethyl) ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as carbonotrithioic acid, bis(phenylmethyl) ester (PMN P–08–138; CAS No.26504–29–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f).

(ii) *Release to water.* Requirements as specified in § 721.90 (b)(1) and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 13. By adding new § 721.10166 to subpart E to read as follows:

§ 721.10166 1,3-Cyclohexanedione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-, ion(1-), potassium salt (1:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-cyclohexanedione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-, ion(1-), potassium salt (1:1) (PMN P–08–180; CAS No. 1121649–70–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N= 0.1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 14. By adding new § 721.10167 to subpart E to read as follows:

§ 721.10167 Tetrafluoro nitrotoluene (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as tetrafluoro nitrotoluene (PMN P–08–212) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 15. By adding new § 721.10168 to subpart E to read as follows:

§ 721.10168 Cesium tungsten oxide.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cesium tungsten oxide (PMN P–08–275; CAS No. 52350–17–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (v)(2), (w)(2), and (x)(2).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. E9–22533 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2005–0463; FRL–8957–3]

Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to the Denver Emergency Episode Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final Rule.

SUMMARY: EPA is taking direct final action approving State Implementation Plan (SIP) revisions to the Denver Emergency Episode Plan submitted by the State of Colorado on September 16, 1997. EPA has determined that the Denver Emergency Episode Plan revisions meet the requirements for the prevention of air pollution emergency episodes with ambient concentrations of air pollutants that may endanger public health and welfare. The intended effect of this action is to make Federally enforceable those provisions that EPA is approving. This action is being taken under section 110 of the Clean Air Act.

DATES: This rule is effective on November 17, 2009 without further notice, unless EPA receives adverse

comment by October 19, 2009. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2005–0463, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: videtich.callie@epa.gov* and *mastrangelo.domenico@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2005–0463. 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 EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Domenico Mastrangelo, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6436, *mastrangelo.domenico@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *Colorado* and *State* mean the State of Colorado.

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I. General Information

What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. What Is the Purpose of This Action?

EPA is approving the Denver Emergency Episode Plan (DEEP) adopted into the State of Colorado SIP on February 28, 1996, and submitted to EPA September 16, 1997. The 1996 DEEP satisfies 40 CFR part 51, subpart H, which requires a plan to prevent ambient concentrations of air pollutants from reaching levels that may endanger public health and welfare.

III. What Is the State Process To Submit These Materials to EPA?

The provisions of Section 110(k) of the CAA govern EPA's review of SIP revisions submittals. The CAA also requires States to follow certain procedural requirements when developing SIP revisions that are submitted to EPA. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing, a process which must occur prior to submitting the revision to EPA.

The Colorado Air Quality Control Commission (AQCC) held a public hearing to propose revisions to the 1972 DEEP on January 18, 1996, adopted the revised plan on February 28, 1996, and submitted the revisions to EPA on September 16, 1997. However, this submittal was affected by copying issues, and the version EPA received was missing several pages. Therefore, EPA requested a replacement copy on March 4, 2009, and, on April 28, 2009, the AQCC office provided a complete copy of the original September 16, 1997 submittal package from the AQCC archives.

We have evaluated the submittal of these SIP revisions by the State of Colorado and have determined that the State met the requirements for reasonable notice and public hearing under Section 110(a)(2) of the CAA.

IV. EPA's Evaluation of the Denver Emergency Episode Plan Revisions

EPA has reviewed the 1996 Denver Emergency Episode Plan, submitted on September 16, 1997 and has determined that approval is warranted. The original Denver Emergency Episode Plan was adopted by the Colorado AQCC in January 1972 and approved by EPA in May of the same year (37 FR 10842, May 31, 1972.) The revisions EPA is acting on today apply to the Denver metropolitan area (including the Denver, Jefferson, and Douglas Counties as well as portions of Adams, Arapahoe, and Boulder Counties) for the following criteria pollutants: 8-hour Carbon Monoxide (CO), 1-hour Ozone (O3), and 24-hour PM_{10}, particulate matter with an aerodynamic diameter less than or equal to 10 micrometers.

The revised Denver Emergency Episode Plan, adopted by the Colorado AQCC in February of 1996, makes substantive and administrative changes to the 1972 DEEP. The substantive changes reflect EPA's July 1, 1987 promulgation of a rule (52 FR 24634) that changed the indicator for particulate matter from Total Suspended Particulate (TSP) to PM_{10}. This rule simultaneously promulgated primary and secondary ambient air quality standards for PM_{10} intended to be more protective of the public health and the environment.[1]

The 1996 Denver Emergency Episode Plan retained the 1972 plan's three contingency stages (Alert, Warning, and Emergency), thus satisfying the 40 CFR 51.152 requirement that contingency plans include two or more contingency stages. The 1996 Plan also adopted EPA's contingency thresholds (40 CFR part 51, Appendix L) for each of the pollutants noted above. During the years since the adoption of the revised Plan in 1996, the levels of CO, 1-hour Ozone, and 24-hour PM_{10}, registered at monitoring stations in the Denver metropolitan area remained well below the thresholds triggering contingency plans for the Alert stage. Furthermore, during the October 2001 to October 2002 period the Denver metropolitan area was redesignated to attainment with the NAAQS for these three criteria pollutants.[2]

The Plan's administrative changes included style and terminology updates, as well as identification of the State of Colorado departments and offices responsible to implement specific contingency measures. We believe these administrative changes are not substantive.

V. Final Action

EPA is approving the State of Colorado's Denver Emergency Episode Plan, submitted on September 16, 1997, and is amending 40 CFR 52.321 to reflect that the State has adequately revised its Plan to comply with the requirements of 40 CFR part 51, subpart H in light of the 1987 PM_{10} standard.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the Proposed Rules section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective November 17, 2009 without further notice unless the Agency receives adverse comments by October 19, 2009. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Review

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

[1] PM_{10} was defined as airborne particulate matter with an aerodynamic diameter of less than or equal to ten microns. The 24-hour primary PM_{10} standard was set to 150 $\mu g/m^3$, with no more than one expected exceedance per year, replacing the 24-hour TSP standard of 260 $\mu g/m^3$. The annual primary PM_{10} standard was set to 50 $\mu g/m^3$, expected annual arithmetic mean, replacing the annual TSP standard of 75 $\mu g/m^3$, annual geometric mean.

[2] The effective dates for redesignation to attainment were October 11, 2001 for 1-hour Ozone (66 FR 47086, September 11, 2001), January 14, 2002 for Carbon Monoxide (66 FR 64751, December 14, 2001), and October 16, 2002 for 24-hour PM_{10} (67 FR 58335, September 16, 2002.)

• 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.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *November 17, 2009.* Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile Organic Compounds.

Dated: September 4, 2009.

Carol Rushin,

Acting Regional Administrator, Region 8.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart G—Colorado

■ 2. Section 52.321 is amended by revising the introductory text to read as follows:

§ 52.321 Classification of regions.

The revised Denver Emergency Episode Plan, adopted by the State of Colorado February 28, 1996, was submitted by the Governor of Colorado with a September 16, 1997 letter.

* * * * *

[FR Doc. E9–22279 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2008–0813; FRL–8431–5]

Tembotrione; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation revises the tolerances for residues of the herbicide tembotrione, including its metabolites and degradates, in or on corn, sweet forage; corn, sweet, stover; and corn, sweet, kernel plus cob with husks removed. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 18, 2009. Objections and requests for hearings must be received on or before November 17, 2009, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0813. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., 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 in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Joanne Miller, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6224; e-mail address: *miller.joanne@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to

assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing electronically available documents at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR cite at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2008–0813 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before November 17, 2009.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2008–0813, by one of the following methods:

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

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance

In the **Federal Register** of December 3, 2008 (73 FR 73651) (FRL–8391–3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8F7452) by Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.634 be amended by revising tolerances for combined residues of the herbicide tembotrione and its metabolites in or on corn, sweet, kernel plus cob with husks removed from 0.04 to 0.01 parts per million (ppm); corn, sweet, forage from 1.0 ppm to 0.09 ppm; and corn, sweet, stover from 1.2 ppm to 0.15 ppm. That notice referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that the proposed tolerances should be revised as follows: corn, sweet, forage at 0.35 ppm; corn, sweet, stover at 0.60 ppm. EPA has also determined that the tolerance for corn, sweet, kernel plus cob with husks removed is acceptable at the proposed level of 0.01 ppm but that compliance with the tolerance level is to be determined by measuring only parent tembotrione. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerances for residues of the herbicide tembotrione and its metabolites and degradates, in or on corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, forage at 0.35 ppm; and corn, sweet, stover at 0.60 ppm. EPA's assessment of exposures and risks associated with establishing tolerances follows.

In the **Federal Register** of September 28, 2007 (72 FR 55078) (FRL–8148–2) the Agency published a final rule establishing tolerances for combined residues of tembotrione and its M5 metabolite in or on corn, sweet, kernel plus cob with husks removed at 0.04 ppm; corn, sweet, forage at 1.0 ppm; and corn, sweet stover at 1.2 ppm. When the Agency conducted the risk assessment in support of the September 2007 tolerance action, it considered the use of tembotrione on corn (field and sweet), incorporating potential residues of tembotrione and its metabolites in or on corn commodities and secondary residues of tembotrione in livestock commodities from consumption of treated feedstuffs, including corn forage. Residues of tembotrione on corn and livestock commodities were assumed to be present at tolerance levels. Since EPA considered the residues of tembotrione on corn, sweet, kernel plus cob with husks removed; corn, sweet, forage; and corn, sweet, stover at a higher level in its most recent risk assessments, reducing the tolerances on sweet corn commodities will reduce the estimated aggregate exposures resulting from use of tembotrione. While it is true that lowering the tolerances will reduce the estimated exposure to tembotrione, changes have occurred in toxicology data requirements for pesticides since the 2007 risk assessment was completed which could impact the Food Quality Protection Act (FQPA) safety factor (SF) for tembotrione, currently retained at 10X for acute and chronic dietary risk assessment. EPA's assessment of the new data requirements as they relate to the FQPA safety factor for tembotrione is discussed below.

EPA began requiring acute and subchronic neurotoxicity testing and

functional immunotoxicity testing of all food and non-food use pesticides on December 26, 2007 (40 CFR part 158 subpart F). Acute and subchronic neurotoxicity studies in rats, as well as a developmental neurotoxicity (DNT) study in rats are available for tembotrione and were considered by EPA in its 2007 aggregate risk assessment and FQPA safety factor determination. Immunotoxicity data are not available for tembotrione. In the absence of specific immunotoxicity studies, EPA has evaluated the available tembotrione toxicity data to determine whether an additional database uncertainty factor is needed to account for potential immunotoxicity. The decreased absolute and relative thymus weights observed in female rats in the subchronic oral toxicity study were not corroborated with histopathological changes, and there were no thymus effects in other subchronic, chronic and carcinogenicity studies in rats. Therefore, the thymus weight changes in this study are spurious effects and not indicative of immunotoxicity. The increased incidence of minimal extramedullary hematopoeisis of the spleen in the rat offspring of the reproduction toxicity study and the anemia seen in the mice in the carcinogenicity study are indicators of toxicity to the hematopoietic system and not indicators of frank immunotoxicity. No other effects on organs of the immune system were seen, and the toxicity profile clearly indicates the eye, liver and kidneys to be the target organs for tembotrione-induced toxicity. Additionally, tembotrione does not belong to a class of chemicals (e.g., the organotins, heavy metals, or halogenated aromatic hydrocarbons) that would be expected to be immunotoxic in laboratory animals. Therefore, the Agency does not believe that conducting immunotoxicity testing will result in doses lower than those currently used for overall risk assessments (0.8 milligrams/kilograms/day (mg/kg/day) for acute and 0.04 mg/kg/day for repeated exposures) and an additional uncertainty factor is not needed to account for potential immunotoxicity. Based on these considerations, EPA concludes that no uncertainty factors are required in addition to those used in the 2007 risk assessment for tembotrione.

Therefore, based on the risk assessments discussed in the final rule published in the **Federal Register** of September 28, 2007, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to tembotrione residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An Adequate enforcement methodology, liquid chromatography/mass spectroscopy (LC/MS/MS) method is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number (410) 305–905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There is neither a Codex proposal, nor Canadian or Mexican limits for residues of tembotrione and its metabolites in or on crops or livestock commodities.

C. Revisions to Petitioned-For Tolerances

The submitted data support the following revised tolerances for residues of tembotrione in or on sweet corn commodities: Corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, forage at 0.35 ppm; corn, sweet, stover at 0.60 ppm. EPA revised the tolerance levels for corn, sweet, forage and stover from those proposed by the registrant based on analyses of the residue field trial data using the Agency's Tolerance Spreadsheet in accordance with the Agency's *Guidance for Setting Pesticide Tolerances Based on Field Trial Data*. There were no detectable residues of tembotrione in corn, sweet, kernel plus cob with husks removed; and metabolism data for tembotrione show that while M5 is a major metabolite in forage and stover, it was present at less then 1% of the Total Radioactive Residue (TRR) in corn grain. Based on the results of these field trial and metabolism studies, the tolerance for corn, sweet, kernel plus cob with husks removed is being established at the limit of quantitation (0.01 ppm) for tembotrione.

Tolerances for tembotrione are currently expressed in terms of ''2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione, and its metabolite, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-4,6-dihydroxy-1,3-cyclohexanedione.'' EPA is revising the tolerance expression for existing tolerances and the new tolerances on sweet corn commodities to clarify the chemical moieties that are covered by the tolerances and specify how compliance with the tolerances is to be measured. The revised tolerance expression makes clear that the tolerances cover ''residues of tembotrione, including its metabolites and degradates,'' and that compliance with the tolerance levels for all commodities except corn, sweet, kernel plus cob with husks removed, will be determined by measuring only the sum of tembotrione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione and its metabolite, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy) methyl]benzoyl]-4,6-dihydroxy-1,3-cyclohexanedione, calculated as the stoichiometric equivalent of tembotrione. Compliance with the tolerance level for corn, sweet, kernel plus cob with husks removed will be determined by measuring only tembotrione.

EPA has determined that it is reasonable to make this change final without prior proposal and opportunity for comment, because public comment is not necessary, in that the change has no substantive effect on the tolerances, but rather is merely intended to clarify the existing tolerance expression.

V. Conclusion

Therefore, tolerances are revised for residues of the herbicide tembotrione, including its metabolites and degradates, in or on corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, forage at 0.35 ppm; and corn, sweet, stover at 0.60 ppm. Compliance with the tolerance levels specified for corn, sweet, forage and stover is to be determined by measuring only the sum of tembotrione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione and its metabolite, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy) methyl]benzoyl]-4,6-dihydroxy-1,3-cyclohexanedione, calculated as the stoichiometric equivalent of tembotrione, in or on the commodities. Compliance with tolerance level for corn, sweet, kernel plus cob with husks removed, will be determined by measuring only tembotrione.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is

not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to 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).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 8, 2009.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.634 is amended as follows:

a. By revising the introductory text of paragraph (a) and redesignating it as paragraph (a)(1).

b. In the table to newly redesignated paragraph (a)(1) by revising the entries for corn, sweet, forage, and corn, sweet, stover, and by removing the entry for corn, sweet, kernel plus cob with husks removed.

c. By adding paragraph (a)(2).

The revised and added text reads as follows:

§ 180.634 Tembotrione; tolerances for residues.

(a) * * * (1) Tolerances are established for residues of the herbicide tembotrione, including its metabolites and degradates, in or on the commodities listed in the table to this paragraph. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of tembotrione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione and its metabolite, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy) methyl]benzoyl]-4,6-dihydroxy-1,3-cyclohexanedione, calculated as the stoichiometric equivalent of tembotrione, in or on the following commodities.

Commodity	Parts per million
* * *	* *
Corn, sweet, forage	0.35
Corn, sweet, stover	0.60
* * *	* *

(2) Tolerances are established for residues of the herbicide tembotrione, including its metabolites and degradates, in or on the commodities listed in the table to this paragraph. Compliance with the tolerance levels specified below is to be determined by measuring only tembotrione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione in or on the following commodities.

Commodity	Parts per million
Corn, sweet, kernel plus cob with husks removed	0.01

* * * * *

[FR Doc. E9–22519 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket 03–123 and WC Docket No. 05–196; DA 09–1323]

Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers

AGENCY: Federal Communications Commission.

ACTION: Final rule; extension of deadline.

SUMMARY: In this document, the Commission via the Consumer and Governmental Affairs Bureau (Bureau) extends the registration deadline established in the *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report and Order and Order on Reconsideration (*Second Internet-based TRS Order*), during which Internet-based Telecommunications Relay Service (TRS) providers may continue to complete the non-emergency calls of unregistered users. This action is necessary because extending the deadline will ensure a more orderly transition to ten-digit numbering for

users of Internet-based TRS by allowing for additional time for outreach and educational activities, as well as time to address any unresolved technical issues associated with the transition.

DATES: Document DA 09–1323 became effective on June 15, 2009. The registration deadline for Internet-based TRS providers is extended until November 12, 2009.

FOR FURTHER INFORMATION CONTACT: Thomas Chandler, Consumer and Governmental Affairs Bureau, Disability Rights Office at (202) 418–1475 (voice), (202) 418–0597 (TTY), or e-mail *Thomas.Chandler@fcc.gov*.

SUPPLEMENTARY INFORMATION: On December 19, 2008, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP–Enabled Service Providers*, CG Docket No. 03–123 and WC Docket No. 05–196, *Second Internet-based TRS Order*, published at 73 FR 79683, December 30, 2008, providing existing users of Internet-based TRS a three-month registration period followed by a three-month permissive calling period which is scheduled to end on June 30, 2009. This is a summary of document DA 09–1323, adopted and released June 15, 2009.

The full text of document DA 09–1323 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document DA 09–1323 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site *http://www.bcpiweb.com* or by calling 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). Document DA 09–1323 can also be downloaded in Word and Portable Document Format (PDF) at *http://www.fcc.gov/cgb/dro/trs.html#orders*.

Synopsis

Background

1. In the *First Internet-based TRS Order*, the Commission adopted emergency call handling requirements for Internet-based TRS, specifically Video Relay Service (VRS) and Internet Protocol (IP) Relay, as well as a system for assigning users of VRS and IP Relay ten-digit numbers linked to the North American Numbering Plan (NANP). *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03–123; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05–196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591 (June 24, 2008) (*First Internet-based TRS Order*); published at 73 FR 41286, July 18, 2008. The Bureau uses the term, ''Internet-based TRS,'' herein to refer to both VRS and IP Relay, unless otherwise specified. *See* 47 CFR 601(a)(11), (13), (21), and (26) of the Commission's rules (defining various forms of TRS). Although IP captioned telephone service (IP CTS) is also an Internet-based form of TRS, as noted in the *First Internet-based TRS Order*, the Commission has determined to address any issues relating to IP CTS, if appropriate, in a separate order because IP CTS raises distinct technical and regulatory issues. *See First Internet-based TRS Order*, 23 FCC Rcd at 11592, paragraph 1, note 5 (deferring action on IP CTS), *see also* 23 FCC Rcd at 11594, note 15 (describing captioned telephone service and IP CTS).

2. The Commission required Internet-based TRS providers to offer individuals using their service the capability to register with a ''default provider,'' and to begin assigning ten-digit, NANP telephone numbers to their registered users no later than December 31, 2008. The Commission explained that mandatory registration and the assignment of NANP telephone numbers would yield important benefits, including facilitating the effective provision of 911 service. The Commission required Internet-based TRS providers to obtain registration information from all new users and to assign all new users a NANP telephone number. *See* 47 CFR 64.611(b) of the Commission's rules (requiring mandatory registration of new users). The Commission defined a ''new'' user as an individual who ''has not previously utilized VRS or IP Relay[.]'' Existing users would also have to be registered. Recognizing that not every existing Internet-based TRS user would immediately register with a default provider, however, the Commission decided to implement a longer registration period for the existing base of users to migrate to the new ten-digit numbering plan.

3. In the *Second Internet-based TRS Order*, the Commission provided existing users a three-month ''registration period'' followed by a three-month ''permissive calling period'' which is scheduled to end on June 30, 2009. During the permissive calling period, Internet-based TRS providers may continue to carry non-emergency calls for unregistered users. At the conclusion of the permissive calling period, however, providers must register any unregistered user before completing a non-emergency VRS or IP Relay call.

4. On April 29, 2009, a group representing a majority of the Internet-based TRS providers filed the Joint Petition seeking to postpone the June 30, 2009, Internet-based TRS registration deadline. *See* Petition to Extend Relay Registration Deadline, CG Docket No. 03–123 and WC Docket No. 05–196 (filed April 29, 2009) (*Joint Petition*). The Joint Petition was filed by AT&T, Inc. CAC, CSDVRS, LLC, Hamilton Relay, Inc., Purple Communications, Inc., Snap Telecommunications, Inc., Sprint Nextel Corporation, and Viable, Inc. Asserting that a large percentage of existing Internet-based TRS users remain unregistered due to consumer confusion, the petitioners urge the Commission to extend the deadline ''indefinitely'' until certain milestones are adequately satisfied. *Joint Petition* at 9. Although ''reluctant to suggest the exact deadline,'' the petitioners suggested a ''goal'' of December 31, 2009. *Joint Petition* at 9.

5. The petitioners identify four ''milestones'' they believe should be achieved before the permissive calling period is allowed to end: (1) Implementation of a reverse look-up function that would automatically verify whether a caller is registered; (2) implementation of ''an extensive public education and outreach campaign;'' (3) resolution of concerns about the assignment of geographically appropriate phone numbers; and (4) resolution of equipment portability issues. *Joint Petition* at 10–11.

6. Sorenson Communications, Inc., filed an *ex parte* letter in response to the *Joint Petition. See* Letter from Gil M. Strobel, Sorenson Communications, Inc., to Marlene H. Dortch (dated May 12, 2009). While Sorenson does not expressly ask the Commission to deny the petition, Sorenson does express the view that an extension is not needed, and states its concern about the open-ended nature of the petitioners' request.

Discussion

7. The Bureau finds good cause to extend the June 30, 2009 registration deadline established in the *Second Internet-based TRS Order* and, therefore, the Bureau extends until November 12, 2009, the date after which VRS and IP Relay providers must stop completing non-emergency calls for unregistered users. The Bureau concludes that extending the deadline will ensure a more orderly transition to ten-digit numbering for users of Internet-based TRS. In particular, the Bureau is concerned that, despite the outreach and consumer education efforts already undertaken by the Commission and the Internet-based TRS providers, many users may remain uncertain about how the ten-digit numbering and E911 requirements will affect their use of Internet-based TRS and their rights and responsibilities under the new rules. *See, e.g.*, *Joint Petition* at 6–9 (discussing several areas of customer confusion concerning the use of toll-free numbers, equipment and number porting, and misconceptions about the use of a single number for multiple services).

8. In addition, the Bureau has received recent data from some providers indicating that a majority of calls presently handled are not being made via a new ten-digit number. *See, e.g.*, CSDVRS *Ex parte* letter, CG Docket No. 03–123 (June 11, 2009); Hamilton Relay, Inc. *Ex parte* letter, CG Docket No. 03–123, WC Docket No. 05–196 (June 11, 2009). Extending the end of the permissive calling period until November 12, 2009 will enable the Commission, as well as the providers, to conduct additional outreach and education addressing particular consumer concerns associated with the transition to ten-digit numbering for Internet-based TRS. And to the extent that there are technical concerns, as petitioners suggest, this additional time will allow them to be addressed.

9. The Bureau is not, however, persuaded that it should extend the June 30th deadline indefinitely, as petitioners request. As Sorenson notes in its *ex parte* filing, registering users for ten-digit numbers ''is critical for public safety.'' Sorenson Letter (May 12, 2009) at 4. In the *Second Internet-Based TRS Order*, the Commission found that ''mandatory registration is critical to the effective handling of 911 calls.'' An indefinite delay in implementation would come at the expense of enhanced emergency services for Internet-based TRS users. The Bureau believes that the extension granted here reasonably balances the concerns raised in the Joint Petition against the public safety implications of further delay.

Ordering Clauses

Pursuant to the authority contained in sections 4(i) and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 225, and §§ 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR 0.141, 0.361, 1.3, document DA 09–1323 is *adopted.*

The June 30, 2009 Internet-based TRS registration deadline is extended until November 12, 2009. The Petition to Extend Relay Registration Deadline, filed by AT&T, Inc., CAC, CSDVRS, LLC, Hamilton Relay, Inc., Purple Communications, Inc., Snap Telecommunications, Inc., Sprint Nextel Corporation, and Viable, Inc. on April 29, 2009 is *granted, in part*, and *denied, in part*, to the extent described herein.

Federal Communications Commission.

Mark Stone,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. E9–22319 Filed 9–17–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–1840; MB Docket No. 08–227; RM–11493]

Radio Broadcasting Services; Batesville, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division grants a Petition for Rule Making issued at the request of Katherine Pyeatt, proposing the allotment of Channel 250A at Batesville, Texas, as its first local service. Channel 250A at Batesville can be allotted, consistent with the minimum distance separation requirements of the Commission's Rules with the imposition of a site restriction located 11.4 kilometers (7.1 miles) east of the community at reference coordinates 28–58–27 NL and 99–30–12 WL.

DATES: Effective October 5, 2009.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MB Docket No. 08–227, adopted August 19, 2009, and released August 21, 2009. The Notice of Proposed Rule Making proposed the allotment of Channel 250A at Batesville, Texas. See 73 FR 76577, published December 17, 2008. The full text of this Commission document is available for inspection and copying during normal business hours in the Commission's Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 800–378–3160 or via the company's website, <http://www.bcpiweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4). The Commission will send a copy of this Report and Order 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).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding

Batesville, Channel 250A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief.

[FR Doc. E9–22440 Filed 9–17–09; 8:45 am]

BILLING CODE 6712–01–S

Proposed Rules

Federal Register
Vol. 74, No. 180
Friday, September 18, 2009

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0865; Directorate Identifier 2009–NM–023–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes Equipped With General Electric CF6–45 or –50 Series Engines, or Equipped With Pratt & Whitney JT9D–3 or –7 (Excluding –70) Series Engines

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. The existing AD currently requires repetitive inspections to detect cracks and fractures of the strut front spar chord assembly (including the forward side) at each strut location, and repair if necessary. This proposed AD would add a one-time inspection for cracking of the forward side of the front spar chord assembly on the inboard and outboard struts, installation of a cap skin doublers for certain airplanes, and repair if necessary. These actions would terminate the repetitive inspections of the forward side of the strut front spar chord assembly; the inspections of the aft side assembly continue as specified in the existing AD. This proposed AD results from a report of a fractured front spar assembly for strut No. 3, which resulted in the loss of the strut upper link load path. We are proposing this AD to detect and correct cracks and fractures of the nacelle strut front spar chord assembly. Fracture of the front spar chord assembly could lead to loss of the strut upper link load path and consequent fracture of the diagonal brace, which could result in in-flight separation of the strut and engine from the airplane.

DATES: We must receive comments on this proposed AD by November 2, 2009.

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

- *Federal rulemaking 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: Ken Paoletti, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6434; 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–2009–0865; Directorate Identifier 2009–NM–023–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

On December 26, 2006, we issued AD 2007–01–15, amendment 39–14887 (72 FR 1427, January 12, 2007), for certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. That AD requires repetitive inspections to detect cracks and fractures of the strut front spar chord assembly, including the forward side, at each strut location, and repair if necessary. That AD resulted from a strut front spar chord assembly that was found fractured, forward of the inspections that are required by AD 2004–25–05, amendment 39–13893 (69 FR 71349), which was superseded by AD 2007–01–15. We issued AD 2007–01–05 to detect and correct cracks and fractures of the nacelle strut front spar chord assembly. Fracture of the front spar chord assembly could lead to loss of the strut upper link load path and consequent fracture of the diagonal brace, which could result in in-flight separation of the strut and engine from the airplane.

Actions Since Existing AD Was Issued

The preamble to AD 2007–01–15 specifies that we consider the requirements ''interim action'' and that

the manufacturer is developing a modification to address the unsafe condition. That AD explains that we might consider further rulemaking if a modification is developed, approved, and available. The manufacturer now has developed such a modification only for the front spar chord assembly forward of the upper link attachment. Therefore, we have determined that further rulemaking is indeed necessary; this proposed AD follows from that determination.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–54A2230, dated October 30, 2008. The service bulletin describes the following procedures:

- A one-time open-hole high frequency eddy current (HFEC) inspection for cracking of the forward side of the front spar chord assembly on the inboard and outboard struts. For airplanes on which the cap skin doubler is not installed, the service bulletin also includes procedures for installing the cap skin doubler.
- For airplanes on which no crack is found, the service bulletin states that no further action is required.
- For airplanes on which any crack is found, the service bulletin specifies the corrective action of contacting Boeing for additional instructions and doing the repair before further flight. The service bulletin specifies that doing the repair ends the need for the repetitive inspections of the forward side of the strut front spar chord assembly.

The service bulletin specifies doing the inspection, and the installation of the cap skin doubler for certain airplanes, within 48 months after the date on the service bulletin for the outboard strut, and within 36 months after the date on the service bulletin for the inboard strut.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to develop on other airplanes of the same type design. For this reason, we are proposing this AD, which would supersede AD 2007–01–15 and retain the requirements of the existing AD. This proposed AD would also require accomplishing the actions specified in the service bulletin described previously, except as discussed under ''Difference Between the Proposed AD and the Service Bulletin.''

Difference Between the Proposed AD and the Service Bulletin

Boeing Alert Service Bulletin 747–54A2230, dated October 30, 2008, 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 has been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Changes to Existing AD

This proposed AD would retain all requirements of AD 2007–01–15. Since AD 2007–01–15 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 2007–01–15	Corresponding requirement in this proposed AD
Paragraph (f)	paragraph (g).
Paragraph (g)	paragraph (h).
Paragraph (h)	paragraph (i).
Paragraph (i)	paragraph (j).
Paragraph (j)	paragraph (k).
Paragraph (k)	paragraph (l).
Paragraph (l)	paragraph (m).
Paragraph (m)	paragraph (q).

Interim Action

We consider the actions in this proposed AD to be interim actions for the strut front spar chord assembly at each strut location, excluding the forward side (the terminating action for the forward side is included in this proposed AD). If the manufacturer develops a modification for the remainder of the front spar chord assembly, we might consider additional rulemaking.

Costs of Compliance

There are about 411 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspections (required by AD 2007–01–15).	17	$80	$0	$1,360 per inspection cycle.	85	$115,600 per inspection cycle.
One-time inspection and cap skin doubler installation (new proposed action).	30 to 116 [1] ...	80	$893 to $36,737 [1]	$3,293 to $46,017 [1] ..	85	$279,905 to $3,911,445.[1]

[1] Depending on airplane configuration.

Authority for This Rulemaking.

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

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

Regulatory Findings

We have determined that this 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 that the proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing amendment 39–14887 (72 FR 1427, January 12, 2007) and adding the following new AD:

Boeing: Docket No. FAA–2009–0865; Directorate Identifier 2009–NM–023–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by November 2, 2009.

Affected ADs

(b) This AD supersedes AD 2007–01–15.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, certificated in any category, equipped with General Electric CF6–45 or –50 series engines, or equipped with Pratt & Whitney JT9D–3 or –7 (excluding –70) series engines, as identified in Boeing Alert Service Bulletin 747–54A2224, Revision 1, dated November 16, 2006.

Subject

(d) Air Transport Association (ATA) of America Code 54: Nacelles/Pylons.

Unsafe Condition

(e) This AD results from a report of a fractured front spar assembly for strut No. 3, which resulted in the loss of the strut upper link load path. The Federal Aviation Administration is issuing this AD to detect and correct cracks and fractures of the nacelle strut front spar chord assembly. Fracture of the front spar chord assembly could lead to loss of the strut upper link load path and consequent fracture of the diagonal brace, which could result in in-flight separation of the strut and engine from 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.

Restatement of Requirements of AD 2004–25–05, Amendment 39–13893

Aft Side Detailed and High Frequency Eddy Current (HFEC) Inspections With New Service Information

(g) Within 90 days after December 27, 2004 (the effective date of AD 2004–25–05, which was superseded by AD 2007–01–15), perform detailed and HFEC inspections to detect any cracks or fractures of the front spar chord assembly for strut numbers 1 through 4 inclusive, in accordance with Boeing Alert Service Bulletin 747–54A2224, dated September 30, 2004; or in accordance with Part 1—Aft Side Inspection of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2224, Revision 1, dated November 16, 2006. As of January 29, 2007 (the effective date of AD 2007–01–15), only Part 1—Aft Side Inspection of the Accomplishment Instructions of Revision 1 of Boeing Alert Service Bulletin 747–54A2224, Revision 1, dated November 16, 2006, may be used.

(h) Accomplishment of the detailed and HFEC inspections in accordance with Boeing 747 Fleet Team Digest 747–FTD–54–04002, dated April 15, 2004, May 4, 2004, June 1, 2004, July 12, 2004, or July 28, 2004; or Boeing Message 1–C6ELC (Service Request ID No.: 218724992), dated April 14, 2004; before December 27, 2004, is considered acceptable for compliance with the requirements of paragraph (g) of this AD.

Repetitive Inspections

(i) For airplanes on which no crack or fracture is detected during the inspections required by paragraph (g) of this AD: At the applicable times specified in Table 1—Repetitive Intervals of this AD, repeat the detailed and HFEC inspections required by paragraph (g) of this AD.

TABLE 1—REPETITIVE INTERVALS

For airplanes identified in Boeing Alert Service Bulletin 747–54A2224, dated September 30, 2004; or Revision 1, dated November 16, 2006; as—	Repeat the inspections at intervals not to exceed—
Group 1	1,000 flight cycles or 18 months, whichever occurs first.
Group 2 and Group 3	1,200 flight cycles or 18 months, whichever occurs first.
Group 4 and Group 6	1,500 flight cycles or 18 months, whichever occurs first.
Group 5	2,000 flight cycles or 18 months, whichever occurs first.

Corrective Action

(j) If any crack or fracture is found during any inspection required by paragraphs (g) and (i) of this AD, and Boeing Alert Service Bulletin 747–54A2224, dated September 30, 2004; or Revision 1, dated November 16, 2006; specifies contacting Boeing for appropriate action: Before further flight, repair the crack or fracture using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

Restatement of Requirements of AD 2007–01–15

Forward Side Detailed and HFEC Inspections

(k) Within 90 days after January 29, 2007, do detailed and HFEC inspections for any cracks or fracture of the front spar chord assembly for strut numbers 1, 2, 3, and 4, in accordance with Part 2—Forward Side Inspection of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2224, Revision 1, dated November 16, 2006. If no crack or fracture is found, repeat the inspections thereafter at the applicable interval specified in Table 1 of this AD. Doing the inspections required by paragraph (n) of this AD terminates the forward side detailed and HFEC inspection requirements of this paragraph.

Corrective Action for Forward Side Inspection

(l) If any crack or fracture is found during any inspection required by paragraph (k) of this AD, and Boeing Alert Service Bulletin 747–54A2224, Revision 1, dated November 16, 2006, specifies to contact Boeing for appropriate action: Before further flight, repair the crack or fracture using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

Credit for Inspections Done According to Boeing 747 Fleet Team Digest

(m) Detailed and HFEC inspections done before January 29, 2007, in accordance with Boeing 747 Fleet Team Digest 747–FTD–54–06002, dated June 29, 2006; or October 16, 2006; are acceptable for compliance with the initial inspection required by paragraph (k) of this AD.

New Requirements of This AD

Inspection and Corrective Actions

(n) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2230, dated October 30, 2008; except that where the service bulletin specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD: Do an open-hole high frequency eddy current (HFEC) inspection for cracking of the of the forward side of the front spar chord assembly on the inboard and outboard struts; and, for airplanes on which the cap skin doubler is not installed, install the cap skin doubler; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2230, dated October 30, 2008.

(o) If any crack is found during the inspection required by paragraph (n) of this AD: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(p) Doing all applicable actions required by paragraphs (n) and (o) of this AD terminates the repetitive forward side detailed and HFEC inspection requirements of paragraph (k) of this AD. All aft side inspection requirements of this AD remain in effect.

Alternative Methods of Compliance (AMOCs)

(q)(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: Ken Paoletti, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6434; 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.

(4) AMOCs approved previously in accordance with AD 2007–01–15, are approved as AMOCs for the corresponding provisions of this AD.

Issued in Renton, Washington, on September 11, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–22577 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0866; Directorate Identifier 2009–NM–074–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain McDonnell Douglas Model MD–11 and MD–11F airplanes. The existing AD currently requires a one-time inspection to determine if metallic transitions are installed on wire harnesses of the tail tank fuel transfer pumps, and to determine if damaged wires are present; and repair, if necessary. This proposed AD would require modifying the case grounding for the alternate fuel pump of the tail tank, the leak detection thermal switch grounding for the number 2 engine, and wire braid grounding in the empennage and number 2 engine inlet. This proposed AD would also remove one airplane from the applicability of the existing AD. This proposed AD results from reports that the wire assembly for the alternate fuel pump is missing a case ground wire, and the lightning protection wire braid for wire assemblies located in the empennage and number 2 engine inlet are grounded improperly. We are proposing this AD to prevent insufficient grounding of the fuel pump, which in combination with an electrical failure within the fuel pump and a compromised electrical bond could cause a fuel tank ignition, resulting in consequent fire or explosion.

DATES: We must receive comments on this proposed AD by November 2, 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, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, California 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; e-mail *dse.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: Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification

Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

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–2009–0866; Directorate Identifier 2009–NM–074–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

On December 2, 1999, we issued AD 99–25–14, amendment 39–11457 (64 FR 69389, December 13, 1999), for certain McDonnell Douglas Model MD–11 and MD–11F airplanes. That AD requires a one-time inspection to determine if metallic transitions are installed on wire harnesses of the tail tank fuel transfer pumps, and to determine if damaged wires are present; and repair, if necessary. That AD also requires repetitive inspections of the repaired area; and a permanent modification of the wire harnesses if metallic transitions are not installed, which terminates the repetitive inspections. That AD resulted from a report of chafing and damage to a wire harness of a tail tank fuel transfer pump. We issued that AD to prevent wire chafing and damage, which could result in an inoperative fuel transfer pump and/or an increased risk of a fire or explosion from a fuel leak.

Actions Since Existing AD Was Issued

Since we issued AD 99–25–14, we have received reports that the wire assembly for the alternate fuel pump is missing a case ground wire, and the lightning protection wire braid for wire assemblies located in the empennage and number 2 engine inlet are grounded improperly. Further investigation revealed that the wiring of the anti-ice leak detection thermal switch of the number 2 engine was not included in the wire assembly, and that the support bracket of the leak detection thermal switch was not electrically bonded to the engine spar of the number 2 engine. Insufficient grounding of the fuel pump, in combination with an electrical failure within the fuel pump and a compromised electrical bond, could cause a fuel tank ignition, resulting in consequent fire or explosion.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin MD11–28A140, dated November 6, 2008. The service bulletin describes procedures to modify the case grounding for the alternate fuel pump of the tail tank and the leak detection thermal switch grounding for the number 2 engine. The modification also includes modifying the wire metal braid grounding in the empennage and the inlet of the number 2 engine, and testing the leak detection thermal switch for correct operation.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to develop on other airplanes of the same type design. For this reason, we are proposing this AD, which would supersede AD 99–25–14 and would retain the requirements of the existing AD. This proposed AD would also require accomplishing the actions specified in the ''Relevant Service Information'' described previously.

Changes to Existing AD

This proposed AD would retain all requirements of AD 99–25–14. Since AD 99–25–14 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 99–25–14	Corresponding requirement in this proposed AD
Paragraph (a)	paragraph (g).

In addition, we have revised the applicability of AD 99–25–14 by referring to Boeing Alert Service Bulletin MD11–28A140, dated November 6, 2008, in paragraph (c) of this AD. This proposed AD would remove one airplane, fuselage number 450, from the applicability due to hull loss.

Costs of Compliance

There are about 13 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection (required by AD 99–25–14).	1	$80	$80	$80, per inspection cycle.	9	$720, per inspection cycle.
Modification (new proposed action).	16	80	1,248	$2,528	9	$22,752.

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

Regulatory Findings

We have determined that this 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 that the proposed regulation:

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing amendment 39–11457 (64 FR 69389, December 13, 1999) and adding the following new AD:

McDonnell Douglas: Docket No. FAA–2009–0866; Directorate Identifier 2009–NM–074–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by November 2, 2009.

Affected ADs

(b) This AD supersedes AD 99–25–14.

Applicability

(c) This AD applies to McDonnell Douglas Model MD–11 and MD–11F airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin MD11–28A140, dated November 6, 2008.

Subject

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

Unsafe Condition

(e) This AD results from reports that the wire assembly for the alternate fuel pump is missing a case ground wire, and the lightning protection wire braid for wire assemblies located in the empennage and number 2 engine inlet are grounded improperly. The Federal Aviation Administration is issuing this AD to prevent insufficient grounding of the fuel pump, which in combination with an electrical failure within the fuel pump and a compromised electrical bond could cause a fuel tank ignition, resulting in consequent fire or explosion.

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.

Restatement of Requirements of AD 99–25–14 With No Changes

Inspection and Corrective Actions

(g) Within 30 days after January 18, 2000 (the effective date of AD 99–25–14), perform a one-time visual inspection of the wire harnesses of the tail tank fuel transfer pumps to determine if metallic transitions are installed, and to determine if damaged wires are present, in accordance with McDonnell Douglas Alert Service Bulletin MD11–28A101, dated August 24, 1998 (''the service bulletin'').

(1) If all metallic transitions are installed, no further action is required by paragraph (g) of this AD.

(2) If metallic transitions are not installed, accomplish the following:

(i) Prior to further flight, accomplish the temporary repair in accordance with condition 2 of the service bulletin;

(ii) Repeat the visual inspection thereafter at intervals not to exceed 2 years; and

(iii) Within 5 years after January 18, 2000, permanently modify the wire harnesses in accordance with McDonnell Douglas Service Bulletin MD11–28–102, Revision 01, dated June 23, 1999. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

Note 1: Modification of the wire harnesses accomplished prior to January 18, 2000 (the effective date of AD 99–25–14), in accordance with McDonnell Douglas Service Bulletin MD11–28–102, dated January 29, 1999, is considered acceptable for compliance with the modification required by paragraph (g)(2)(iii) of this AD.

New Requirements of This AD

Modification

(h) Within 72 months after the effective date of this AD, modify the case grounding for the alternate fuel pump of the tail tank, the leak detection thermal switch grounding for the number 2 engine, and wire braid grounding in the empennage and number 2 engine inlet, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11–28A140, dated November 6, 2008.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Los Angeles 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: Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

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

Issued in Renton, Washington, on September 11, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–22580 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 382

[Docket No. OST–2009–0093]

Nondiscrimination on the Basis of Disability in Air Travel

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Request for comments on petition for rulemaking.

SUMMARY: An advocacy group representing users of psychiatric service dogs has petitioned the Department to eliminate a provision of the Department of Transportation's Air Carrier Access regulation. The provision in question permits air carriers to require documentation and 48 hours' advance notice for users of psychiatric service animals. In this document, the Department is seeking comment on the group's petition and related questions. This document is not a notice of proposed rulemaking. The Department has not decided whether to grant the petition by initiating rulemaking action or to deny the petition and retain the provisions without change. The Department will publish a document in

the **Federal Register** regarding the determination of the petition.

DATES: Comments in response to this request must be received by December 17, 2009.

ADDRESSES: You may submit comments (identified by the agency name and DOT Docket ID Number OST–2009–0093) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251

Instructions: You must include the agency name (Office of the Secretary, DOT) and Docket number (OST–2009–0093) for this notice at the beginning of your comments. You should submit two copies of your comments if you submit them by mail or courier. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided and will be available to internet users. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://www.DocketsInfo.dot.gov*.

Docket: For internet access to the docket to read background documents and comments received, go to *http://www.regulations.gov.* Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave., SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001, Room W94–302, 202–366–9310, *bob.ashby@dot.gov*.

SUPPLEMENTARY INFORMATION:

The Current Rule

On May 13, 2008, the Department of Transportation (the Department; DOT) issued a revision to its Air Carrier Access Act (ACAA) regulation (14 CFR Part 382). The regulation went into effect on May 13, 2009, replacing the previous version of Part 382 on that date.

Section 382.117(e) of the revised Part 382, concerning service animals, states: If a passenger seeks to travel with an animal that is used as an emotional support or psychiatric service animal, the airline is not required to accept the animal for transportation in the cabin unless the passenger provides the airline current documentation (i.e., no older than one year from the date of the passenger's scheduled initial flight) on the letterhead of a licensed mental health professional (e.g., psychiatrist, psychologist, licensed clinical social worker, including a medical doctor specifically treating the passenger's mental or emotional disability). The documentation must state the following: (1) The passenger has a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders—Fourth Edition (DSM IV); (2) the passenger needs the emotional support or psychiatric service animal as an accommodation for air travel and/or for activity at the passenger's destination; (3) the individual providing the assessment is a licensed mental health professional, and the passenger is under his or her professional care; and (4) the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued. In addition, section 382.27(c)(8) provides that airlines may require a passenger using a PSA or ESA to give up to 48 hours' advance notice and check in one hour before the check-in time for the general public, in order to permit the carrier to review and verify the documentation.

The entire purpose of the ACAA, and the Department's rules implementing it, are to ensure nondiscriminatory air travel opportunities are available to people with disabilities. The service animal sections of the rule were drafted to carry out that purpose. In the preamble to the rule, the Department discussed issues concerning ESAs and PSAs two places. In the general discussion of service animal issues, the Department made the following statements:

> Another important issue that a number of commenters raised concerned ''emotional support animals.'' Unlike other service animals, emotional support animals are often not trained to perform a specific active function, such as path finding, picking up objects, carrying things, providing additional stability, responding to sounds, etc. This has led some service animal advocacy groups to question their status as service animals and has led to concerns by carriers that permitting emotional support animals to travel in the cabin would open the door to abuse by passengers wanting to travel with their pets. The Department believes that there can be some circumstances in which a passenger may legitimately travel with an emotional support animal. However, we have added safeguards to reduce the likelihood of abuse. The final rule limits use of emotional support animals to persons with a diagnosed mental or emotional disorder, and the rule permits carriers to insist on recent documentation from a licensed mental health professional to support the passenger's desire to travel with such an animal. In order to permit the assessment of the passenger's documentation, the rule permits carriers to require 48 hours' advance notice of a passenger's wish to travel with an emotional support animal. Of course, like any service animal that a passenger wishes to bring into the cabin, an emotional support animal must be trained to behave properly in a public setting. (73 FR 27614; May 13, 2008)

In the preamble's discussion of section 382.117, the Department added the following:

> There are new, more detailed procedures for the carriage of emotional support and psychiatric service animals. The carrier may require the passenger to provide current documentation from a mental health professional (e.g., a medical doctor that is treating the passenger's mental or emotional disability or a licensed clinical social worker) caring for the passenger that the passenger has a specific, recognized mental or emotional disability and that the passenger needs to be accompanied by the specific emotional support or psychiatric service animal in question, either on the flight or at the passenger's destination * * * [C]arriers can properly apply the same policies to ''psychiatric service animals'' as they do for emotional support animals. This is because carriers and the Department have encountered instances of attempted abuse of service animal transportation policies by persons traveling with animals in both categories [e.g., in communications among carriers, passengers, and the Department's aviation consumer protection staff]. Should the Department encounter a pattern of abuse concerning service animals in other categories, we can consider additional safeguards with respect to those categories as well. (Id. at 27655)

The ACAA final rule also included a guidance document concerning service animals, which made the following statements concerning emotional support animals (ESAs) and psychiatric support animals (PSAs):

> With respect to an animal used for emotional support (which need not have specific training for that function but must be trained to behave appropriately in a public setting), airline personnel may require current documentation (i.e., not more than one year old) on letterhead from a licensed mental health professional, including a

medical doctor that is treating the passenger's mental or emotional disability or a licensed clinical social worker, stating (1) that the passenger has a mental health-related disability listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV); (2) that having the animal accompany the passenger is necessary to the passenger's mental health or treatment; (3) that the individual providing the assessment of the passenger is a licensed mental health professional and the passenger is under his or her professional care; and (4) the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued. Airline personnel may require this documentation as a condition of permitting the animal to accompany the passenger in the cabin. The purpose of this provision is to prevent abuse by passengers that do not have a medical need for an emotional support animal and to ensure that passengers who have a legitimate need for emotional support animals are permitted to travel with their service animals on the aircraft. Airlines are not permitted to require the documentation to specify the type of mental health disability, e.g., panic attacks.

There is a separate category of service animals generally known as ''psychiatric service animals.'' These animals may be trained by their owners, sometimes with the assistance of a professional trainer, to perform tasks such as fetching medications, reminding the user to take medications, helping people with balance problems caused by medications or an underlying condition, bringing a phone to the user in an emergency or activating a specially equipped emergency phone, or acting as a buffer against other people crowding too close). As with emotional support animals, it is possible for this category of animals to be a source of abuse by persons attempting to circumvent carrier rules concerning transportation of pets. Consequently, it is appropriate for airlines to apply the same advance notice and documentation requirements to psychiatric service animals as they do to emotional support animals. (Id. at 27659).

The PSDS Petition

The Psychiatric Service Dog Society (PSDS) is an Arlington, Virginia, based organization that describes itself as a service and advocacy organization focused exclusively on the use of psychiatric service dogs by persons living with mental health disabilities. At the Department's June 3, 2008, consumer forum concerning the revised ACAA rule, a PSDS representative expressed the organization's objections to section 382.117(e). DOT staff responded that the organization could file a petition for rulemaking concerning the section, and the PSDS representative indicated that the organization would do so.

Under the Department's regulatory procedures, any person may file a petition to issue, amend, or repeal a rule (49 CFR 5.11(a)). The PSDS petition, dated April 13, 2009, has now been received by the Department. Interested persons can read the entire petition at DOT–OST–2009–0093. It consists of a three-page letter from PSDS and 32 pages of letters or e-mails from constituents or supporters of the organization. In its petition, which meets the procedural requirements of section 5.11, PSDS requests that section 382.117(e) be repealed. While the petition does not specifically refer to section 382.27(c)(8), we understand the petition to seek its repeal as well.

The Department can take one of two actions with respect to the petition: It can grant the petition by initiating rulemaking action (e.g., publishing a notice of proposed rulemaking to repeal or modify the provisions in question) or it can deny the petition and retain the provisions without change. When the Department denies a petition, we send a denial letter to the petitioner explaining our reasons for the decision.

In order to assist the Department in deciding which course to follow, we are, in this document, seeking comment on the issues PSDS raises in its petition. We note that taking action at this time to change the regulatory provisions in question would constitute a substantive amendment requiring us to issue a notice of proposed rulemaking for public comment. Because PSDS waited as long as it did to file its petition, the Department did not have time to take action before the May 13, 2009 effective date for the revised Part 382. Nor does the Department believe that immediate action to change the final rule would be prudent prior to an opportunity to review comments on issues concerning which a wide variety of parties may have an interest in.

The main arguments that PSDS and its supporters cite as a basis for the repeal of section 382.117(e) are the following:

- In terms of applicable procedures, the Department's final rule does not draw distinctions between the two categories of animal. The PSDS petition appears to support drawing a sharp distinction between PSAs and ESAs. The former must be trained for public access and have basic obedience training as well as handler-specific behaviors to ameliorate or mitigate the effects of a mental health-related disability. The latter are rarely more than pets, requiring little or no training. Therefore, it is improper for the rule to apply the same procedural provisions to both categories of assistance animal.
- By imposing additional procedural requirements on users of PSAs, which are not imposed on service animals used by individuals with other disabilities, the rule discriminates against and stigmatizes individuals with mental health-related disabilities who use PSAs. If DOT thinks it appropriate to impose these requirements on PSA users, then DOT should be amenable to imposing similar requirements on people with other disabilities who use service animals.
- It would be easy for someone with a PSA to cheat, simply by claiming that his or her dog was a service animal for another disability, such as epilepsy, heart disease, diabetes, dementia etc.
- Many people with mental health-related disabilities use general practitioners rather than specialists in mental health matters, and the Department's rule appears not to allow for letters from general practitioners.
- The rule violates the medical privacy of PSA users by requiring confidential medical information to be provided to airline personnel. Moreover, the rule makes no provision for the confidential treatment of this information once it gets into the airline's hands, and fails to answer questions concerning the security, storage, or use of the information. PSDS expresses the concern that the Transportation Security Administration could gain access to the information and require additional security measures (e.g., secondary screening) for persons identified as having mental health-related disabilities.
- It may be difficult or impossible for persons who do not have medical insurance or otherwise lack access to affordable medical care to obtain the medical documentation the rule allows airlines to require. In addition, the requirement that the documentation be no more than a year old could work an additional financial hardship on PSA users, because they would have to pay annually for the required documentation. This could result in the denial of air transportation to people in this situation.
- The 48 hours' advance notice provision would make it very difficult for PSA users to fly in the case of short-term situation (e.g., a family or medical emergency) that did not permit them to provide 48 hours' advance notice.
- DOT does not have adequate evidence that there is a problem with people trying to sneak pets aboard aircraft, so as to justify imposing the procedural requirements on PSA users.
- Under the Americans with Disabilities Act (ADA) and other laws concerning nondiscrimination on the basis of disability, users of service animals (including PSAs) do not have to comply with requirements like those in section 382.117(e).

• Some letters from supporters of the PSDS petition suggested that other provisions of Part 382, such as those concerning ''direct threat,'' ''fundamental alteration,'' and general language concerning identification of service animals would be sufficient with respect to PSAs and ESAs, without including language like that of section 382.117(e).

Information and Questions Concerning the PSDS Petition

To help highlight issues raised by the petition for commenters, the Department presents the following information and questions:

Differences Between PSAs and ESAs

The letters of support for PSDS' petition mention that PSAs are trained for public access and obedience (which a number of letters assume or say is not true of ESAs). In fact, are ESAs trained to behave properly in public settings? Note that, under the ACAA rules, airlines are never required to carry in the cabin an animal—even one that is assisting a person with a disability—that is not behaving appropriately in a public setting.

The letters of support for PSDS' petition state that PSAs are trained to provide medically necessary, therapeutic, or other services for their users. However, the letters do not specify what any of these services are. What are these services, and how, if at all, are they relevant to the use of a PSA during the user's air travel or activities at the user's destination? With respect to travel on an aircraft, how do these services differ from those that would be provided by an ESA during a flight or at the passenger's destination? How, if at all, would any such differences justify treating ESAs and their users differently from PSAs and their owners in the context of air transportation? What, if any, distinctions have airlines drawn or attempted to draw between the two categories of animals, and what is the basis for any such distinctions?

It appears from some material in the supporting letters that PSAs do, in fact, provide services related to emotional support. For example, one letter from a PSA user related the following about her dog:

> * * * [H]e gives me unconditional love no matter what I look or feel like that day. He is there right by my side even when I don't ask him to, lying at my feet because he knows that helps me. He helps me when no nothing or no one else will. He is very reliable. I never have to worry if he is going to be ''busy'' that night like I would friends or family. He is never angry if I talk too much or pet him too much * * *. He gives me better hugs than my husband * * *.

Another letter, from a therapist, said that an assistance animal enabled her clients to ''get out of the house and go places without the fear and panic they had before. It is so helpful for them to have their dog with them in all environments to reduce dissociation, panic, and anxiety.'' Do these obviously significant functions that dogs called PSAs perform for their owners differ from those that would be performed for their owners by dogs called ESAs in a way that would support different treatment for the two groups in airline travel? We note that over the years, many individuals who travel with ESAs have stated that their service animals, in addition to being trained to behave properly in public settings and providing needed emotional/mental health support without which they cannot travel, do in fact perform specific physical tasks related, for example, helping lessen anxiety in stressful situations.

Need for Procedural Requirements

We seek comments from airlines and other interested persons about their experience with passengers attempting to pass off pets as service animals, especially as it may relate to ESAs and PSAs. Are there problems that air carriers have encountered in distinguishing pets from animals that provide services to passengers with disabilities? What procedures do airlines use to draw this distinction, and how well do these procedures work? How pervasive are any such problems? What, if any, experience do airlines have with people attempting to bring pets on board on the basis of claims that the animals are service animals for disabilities that are not readily apparent other than mental health-related conditions, such as seizure disorders, heart conditions, diabetes, etc? What, if any, problems are created for airlines when people have attempted to bring or have succeeded in bringing pets into the cabin under the guise of being service animals? Do airlines have any statistics or compilations of experience with people attempting to pass off their pets as service animals that they could share with the Department?

Do the procedural provisions of section 382.117(e)—and the previous provisions of DOT guidance concerning ESAs—help airlines distinguish between service animals and pets? If, as the petition requests, paragraph (e) were deleted, would airlines have sufficient other, arguably less burdensome, means of making these determinations? What would be the effect, if any, on the ability of airlines to make reasonable determinations in these matters if the provisions of paragraph (e) remained in effect for users of ESAs but not users of PSAs? Are there problems that airlines have encountered in the past with passengers initially claiming that their animal is an ESA and later characterizing that same animal as a PSA? If so, please describe such problems. The Department's rule is now in effect: Have passengers or airlines encountered any actual problems concerning the implementation of the provisions in question in this context?

The Department, the service animal community (e.g., handlers, organizations), and the airlines all share the goal of stopping the abuse of service animal access rights by passengers who fraudulently assert that their pets are service animals. The Department is interested in identifying effective alternative methods to prevent such fraud. We, therefore, invite members of the public, and in particular members of the service animal community, to propose methods for preventing/detecting fraud that they believe are feasible alternatives to the current medical documentation requirements.

Medical Privacy

With respect to the medical information provided to airlines under paragraph (e) and other provisions of Part 382 concerning medical documentation, the Department has issued the following guidance:

> Q. What should carriers do to safeguard the personal medical information (e.g., physician's statements, medical certificates and documentation from licensed mental health professionals for emotional support and psychiatric service animals) that they require of passengers in order to provide certain accommodations?
>
> A. When a carrier requires a passenger to provide personal medical information as a condition for obtaining disability accommodations, we recommend that the carrier take steps to safeguard this information, such as maintaining it in a separate confidential file for the same period of time it retains that passenger's reservation record for the flights involved.

Does this guidance sufficiently address medical privacy concerns arising from the operation of paragraph (e)? If not, should the Department amend its regulations to provide additional protections? If so, what should such amendments provide? Should there be additional language concerning such matters as how confidentiality is maintained, who has access to records and for how long, how are records disposed of, or whether a particular record retention period should be stated in the rule or guidance?

Family and Medical Emergencies

Part 382 provides that, when a passenger does not provide advance notice for accommodations to which a carrier may apply an advance notice requirement, the carrier must provide the accommodation if it can do so by making reasonable efforts, without delaying the flights (see section 382.27(g)). The Department's rule is now in effect: Have passengers or airlines encountered any actual problems concerning the implementation of the provisions in question in this context?

The Department has issued the following FAQ discussing this principle in the context of the procedural steps of section 382.117(e):

Q. When must a carrier accommodate a passenger accompanied by an emotional support or psychiatric service animal who has not provided 48 hours' advance notice?

A. Carriers must accommodate a passenger accompanied by an emotional support or psychiatric service animal who has not provided 48 hours' advance notice if the carrier can do so by making reasonable efforts, without delaying a flight. The carrier, at its discretion, may waive its 48 hours' advance notice requirement in order to expedite the emergency air travel of a passenger accompanied by an emotional support or psychiatric service animal.

Does this guidance adequately handle the situation of ESA or PSA users with a family or medical emergency requiring short-notice travel? Should air carriers be able to require documentation of the emergency from someone seeking to travel with a PSA or ESA who cannot provide 48 hours' notice? Are there additional regulatory or guidance statements the Department should make on this matter, such as criteria for when and on what basis the 48 hours' advance notice period should be waived?

Lack of Medical Insurance or a Mental Health Care Provider

In the absence of recent documentation from a mental health professional, how is an air carrier to determine whether a passenger has a current need for an ESA or PSA? Would anyone using a PSA or ESA have had a medical recommendation for the use of such an animal at some time in the past that could be documented? If not, what information could establish a basis for the individual's claim that he or she needs a service animal? The Department has issued the following FAQ discussing this principle in the context of the procedural steps of section 382.117(e):

Q. May a carrier accept documentation from a licensed mental health professional concerning his or her need for a psychiatric or emotional support animal if the documentation is more than one year old?

A. Carriers may, at their discretion, accept from the passenger documentation from his or her licensed mental health professional that is more than one year old. We encourage carriers to consider accepting ''outdated'' documentation in situations where a passenger with a disability provides a letter or notice of cancellation or other written communication indicating the cessation of health insurance coverage, and his/her inability to afford treatment for his or her mental or emotional disability.

Does this guidance successfully address the situation of persons with mental health-related disabilities who may currently lack medical insurance? What is the experience of airlines and passengers with the existing rule and guidance, which are now in effect? Should the guidance or underlying regulatory provisions be changed (e.g., to eliminate the requirement, change the period of one year to something else, require airlines to include alternate documentation in some cases)?

Use of General Practitioners

The Department has clarified in the regulatory text of section 382.117(e), quoted above under ''The Current Regulation,'' that among the individuals authorized to provide documentation concerning the need for ESAs or PSAs include medical doctors who are specifically treating a passenger's mental or emotional disability. Does this clarification successfully address the concern about the types of doctors who can provide the documentation that the rule now requires? If not, what additional provisions would commenters recommend?

Americans With Disabilities Act (ADA) Analogy

The Department notes that the ACAA is a separate statute from the ADA. The ACAA is a specialized statute dealing only with transportation by air, in an environment in which a large number of people are confined within a limited space for what may be a prolonged period of time. The Department has long taken the position that accommodations for persons with disabilities, and DOT requirements for them, may justifiably differ between the air travel context and other contexts, such as places of public accommodation regulated by the Department of Justice under its ADA regulations. We seek comment on the application of this principle in the matter of PSAs and ESAs.

Alternatives for Consideration

After reviewing comments on this notice, the Department could make a number of different decisions with respect to the issues involved. The following are examples of actions the Department could take:

1. Leave the rule unchanged.
2. Leave the basic provisions of the rule (i.e., concerning documentation and advance notice) unchanged, but add provisions relating to specific concerns about the implementation of these provisions (e.g., with respect to medical privacy or other matters now addressed by FAQs).
3. Eliminate documentation and advance notice provisions for all types of animals assisting passengers with disabilities.
4. Eliminate the documentation and advance notice provisions for PSAs, but leave the provisions in effect for ESAs.
5. Leave the existing documentation and advance notice provisions for passengers with disabilities who wish to bring service animals on board an aircraft but whose types of disabilities are not readily apparent.
6. Leave the existing documentation and advance notice provisions in effect for ESAs and PSAs, but add parallel provisions for all passengers with disabilities who wish to bring service animals on board an aircraft.
7. Substitute an alternative method of preventing ''cheating'' that would allow airlines to distinguish service animals from pets but that did not involve the current documentation and/or advance notice provisions.

The fact that an idea is on this list does not mean that the Department necessarily supports it or believes that it would be good policy; the list merely sets out a range of possible approaches to the issues raised by the PSDS petition. Nor is the list exhaustive; the Department solicits other ideas for addressing these issues as well.

Issued this 27th day of August 2009, at Washington, DC.

Christa Fornarotto,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. E9–21351 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG 2008–1082]

RIN 1625–AA01

Anchorage Regulations; Port of New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend Anchorage Ground No. 19 located east of the Weehawken-Edgewater Federal Channel on the Hudson River. This action is necessary to facilitate safe navigation and provide safe and secure anchorages for vessels operating in the area. This proposal is intended to increase the safety of life and property of both the anchored vessels and those operating in the area as well as to provide for the overall safe and efficient flow of commerce.

DATES: Comments and related material must be received by the Coast Guard on or before November 17, 2009.

ADDRESSES: You may submit comments identified by docket number USCG–2008–1082 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Mr. Jeff Yunker, Coast Guard Sector New York, Waterways Management Division; telephone 718–354–4195, e-mail *Jeff.M.Yunker@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–1082), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand delivery, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop-down menu select ''Proposed Rule'' and insert ''USCG–2008–1082'' in the ''Keyword'' box. Click ''Search'' and then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and click on the ''Read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2008–1082'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

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

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Hudson River Pilots Association, through the Port of New York/New Jersey Harbor Safety, Navigation and Operations Committee, has requested that the Coast Guard revise the boundaries of Anchorage Ground No. 19 which is located on the Hudson River, east of the Weehawken-Edgewater Federal Channel and south of the George Washington Bridge.

Due to severe recurring shoaling within the Weehawken-Edgewater Federal Channel, the Hudson River Pilots requested and received authorization from the Coast Guard and Army Corps of Engineers to pilot vessels through the deeper and safer water located east of the Weehawken-Edgewater Federal Channel which is within the current boundaries of Anchorage Ground No. 19.

This proposed revision would divide Anchorage Ground 19 into two separate Anchorage Areas; Anchorage Ground No. 19 West and Anchorage Ground No. 19 East. This proposed change will allow deep draft vessels to transit the deeper water without having to transit through the current boundaries of Anchorage Ground 19. The U.S. Army Corps of Engineers, in conjunction with this rulemaking, intends to relocate the Weehawken-Edgewater Federal Channel to the East of its current location. Under this proposed rule, The Weehawken-Edgewater Federal Channel would be located between the proposed Anchorage Ground No. 19 West and Anchorage Ground No. 19 East. Due to shoaling, the March 2007 (ACOE)

survey verified a controlling depth of 27 feet in the Right Outside Quarter of the Weehawken-Edgewater Channel where vessels bound for ports north of New York City would have to transit. As published by the U.S. Army Corps of Engineers (ACOE) Institute for Water Resources, vessels with drafts of up to 34 feet transit the Hudson River. In calendar year 2006, there were 6,562 transits on the Hudson River between the mouth of the Harlem River and Waterford, NY by vessels with a draft of 27 feet or greater. Vessels with a draft of 27 feet or greater would be required to transit through the new channel which is within the current boundaries of Anchorage Ground No. 19.

Tug & Barge traffic within the harbor has increased 37% since 1991. Anchorage Ground No. 19 is the closest Anchorage Ground to use when there is no space for temporary anchoring within the Upper New York Bay Anchorage Grounds. Hence, these vessels transit to Anchorage Ground No. 19 to await a berth, or orders, to minimize fuel consumption and provide an orderly flow of commerce within the harbor and the New England region.

On October 14, 2008 the Captain of the Port (COTP) issued an Advisory Notice to all Tug & Barge operators and the Hudson River Pilots. The COTP notified the maritime community that in accordance with 33 CFR 110.155(c)(5)(i) he would only grant permission for vessels to anchor on the western boundary of the existing Anchorage Ground No. 19 as an interim measure to facilitate vessel transits through the area while alternatives are explored.

This proposed rule would modify Anchorage Ground No. 19 and remove the need for vessels to transit through the anchorage when the Army Corps relocates Weehawken-Edgewater Federal Channel to the Eastern portion of the Hudson River. This proposed rule will eliminate the unsafe transit conditions of deep draft vessels transiting through the current Anchorage Ground No. 19.

Discussion of Proposed Rule

In this rule we propose to divide the current Anchorage Ground No. 19 into two Anchorage Grounds. Anchorage No. 19 East would be bounded by the following points: 40°49′42.6″ N, 073°57′14.7″ W; thence to 40°49′45.9″ N, 073°57′22.0″ W; thence to 40°49′52.0″ N, 073°57′22.0″ W; thence to 40°50′08.3″ N, 073°57′10.8″ W; thence to 40°50′55.4″ N, 073°56′59.7″ W; thence to 40°51′02.5″ N, 073°56′57.4″ W; thence to 40°51′00.8″ N, 073°56′49.4″W; thence along the shoreline to the point of origin (NAD 83). Anchorage No. 19 West would be bounded by the following points: 40°46′56.3″ N, 073°59′42.2″ W; thence to 40°47′36.9″ N, 073°59′11.7″ W; thence to 40°49′31.3″ N, 073°57′43.8″ W; thence to 40°49′40.2″ N, 073°57′37.6″ W; thence to 40°49′52.4″ N, 073°57′37.6″ W; thence to 40°49′57.7″ N, 073°57′47.3″ W; thence to 40°49′32.2″ N, 073°58′12.9″ W; thence to 40°49′00.7″ N, 073°58′33.1″ W; thence to 40°48′28.7″ N, 073°58′53.8″ W; thence to 40°47′38.2″ N, 073°59′31.2″ W; thence to 40°47′02.7″ N, 073°59′57.4″ W; thence to the point of origin (NAD 83).

The current Anchorage Ground No. 19 covers 1,352 acres. The proposed Anchorage Ground No. 19 West would cover 714.5 acres while the proposed Anchorage Ground No. 19 East would cover 185.5 acres. There would be 400 yards separating the two Anchorage Grounds for vessel transits.

We propose to revise the regulations specific to these two anchorage grounds and change the current numbering within this section. The new regulations applicable to Anchorage 19 East and West will appear in 33 CFR 110.155(c)(5)(iii)(A)–(E). The proposed changes to the anchorage regulations are detailed below.

We propose to discontinue the requirement (currently at 33 CFR 110.155(c)(5)(i)) that all vessels obtain permission from the Captain of the Port prior to anchoring. The Captain of the Port is currently not authorizing any vessels to anchor within the proposed revised Federal Channel. If the proposed rule is finalized, then the Coast Guard would no longer require this regulation to stop vessels from anchoring within the deep water being used for vessel transits. Vessels may still be required to shift their position into, or within, the anchorage under the authority of 33 CFR 110.155(l)(12).

We propose to discontinue the requirement (currently at 33 CFR 110.155(c)(5)(ii)) that each vessel report its position to the Captain of the Port immediately after anchoring. This provision is no longer required due to vessels already reporting their position via their Automated Identification System (AIS) equipment and/or radar returns from the vessels received by the Coast Guard and Vessel Traffic Service (VTS).

We propose to revise the regulation (currently at 33 CFR 110.155(c)(5)(iii)) that currently provides that no vessel may conduct lightering operations in these anchorage grounds without permission from the Captain of the Port. The revision will clarify that when lightering is requested, the Captain of the Port must be notified at least four hours in advance of a vessel conducting lightering operations as required by § 156.118 of this title.

We propose to discontinue the requirement (currently at 33 CFR 110.155(c)(5)(iv)) that each vessel move when the Captain of the Port notifies them the Anchorage is required by naval vessels. This regulation is no longer required as the closest naval facility is now located approximately 22 nautical miles away at Earle, NJ. A copy of this notice of proposed rulemaking will be provided to the Navy seeking comment regarding the disestablishment of the Naval Anchorages in this area and whether they intend to anchor vessels on this part of the Hudson River at a future time. Additionally, vessels may still be required to shift their position into, or within, the anchorage under current Captain of the Port authority as provided for in 33 CFR 110.155(l)(12).

We propose to revise the regulation (currently at 33 CFR 110.155(c)(5)(v)) requiring 48 hours advance notice to the Captain of the Port from vessels over 800 feet in length overall, or 40 feet in draft, requesting to use the anchorage. As discussed below, we propose to limit this anchorage ground to tugs and/or barges. Ships will not be authorized to anchor in these proposed anchorage grounds as they are already anchoring outside of the Federal Channel, off Yonkers, NY, approximately 5 to 10 nautical miles north of these proposed revised anchorage grounds.

We propose to add a requirement that any vessel conducting lightering or bunkering operations shall display by day a red flag (Pub 102; International Code of Signals; signaling instructions) at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night the flag must be illuminated by spotlight. These signals shall be in addition to day signals, lights and whistle signals as required by rules 30 (33 U.S.C. 2030) and 35 (33 U.S.C. 2035) of the Inland Navigation Rules when at anchor in a general anchorage area.

We propose to add a requirement that within an anchorage, fishing and navigation are prohibited within 500 yards of an anchored vessel displaying a red flag by day or a red light by night.

We propose to add a regulation (the proposed 33 CFR 110.155(c)(5)(iii)(D)) to specify that these anchorage grounds are only authorized for use by tugs and/or barges.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses

based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This conclusion is based upon the fact that there are no fees, permits, or specialized requirements for the maritime industry to utilize these anchorage areas. The regulation is solely for the purpose of advancing safety of maritime commerce.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit through the proposed Anchorage Grounds 19 East and 19 West. Vessels intending to anchor in the current Anchorage Ground No. 19 would still be able to anchor in the revised Anchorage Ground No. 19 East or No. 19 West.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Jeff Yunker at 718–354–4195. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of

actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves changing the size of anchorage grounds resulting in a reduction in the overall size of the anchorage area. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Amend § 110.155, by revising paragraph (c)(5) to read as follows:

§ 110.155 Port of New York.

* * * * *

(c) * * *

(5) Anchorages No. 19 East and 19 West.

(i) Anchorage No. 19 East. All waters of the Hudson River bound by the following points: 40°49′42.6″ N, 073°57′14.7″ W; thence to 40°49′45.9″ N, 073°57′22.0″ W; thence to 40°49′52.0″ N, 073°57′22.0″ W; thence to 40°50′08.3″ N, 073°57′10.8″ W; thence to 40°50′55.4″ N, 073°56′59.7″ W; thence to 40°51′02.5″ N, 073°56′57.4″ W; thence to 40°51′00.8″ N, 073°56′49.4″ W; thence along the shoreline to the point of origin (NAD 83).

(ii) Anchorage No. 19 West. All waters of the Hudson River bound by the following points: 40°46′56.3″ N, 073°59′42.2″ W; thence to 40°47′36.9″ N, 073°59′11.7″ W; thence to 40°49′31.3″ N, 073°57′43.8″ W; thence to 40°49′40.2″ N, 073°57′37.6″ W; thence to 40°49′52.4″ N, 073°57′37.6″ W; thence to 40°49′57.7″ N, 073°57′47.3″ W; thence to 40°49′32.2″ N, 073°58′12.9″ W; thence to 40°49′00.7″ N, 073°58′33.1″ W; thence to 40°48′28.7″ N, 073°58′53.8″ W; thence to 40°47′38.2″ N, 073°59′31.2″ W; thence to 40°47′02.7″ N, 073°59′57.4″ W; thence to the point of origin.

(iii) The following regulations apply to 33 CFR 110.155(c)(5)(i) and (ii):

(A) No vessel may conduct lightering operations in these anchorage grounds without permission from the Captain of the Port. When lightering is authorized, the Captain of the Port New York must be notified at least four hours in advance of a vessel conducting lightering operations as required by § 156.118 of this title.

(B) Any vessel conducting lightering or bunkering operations shall display by day a red flag (Pub 102; International Code of Signals; signaling instructions) at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night the flag must be illuminated by spotlight. These signals shall be in addition to day signals, lights and whistle signals as required by rules 30 (33 U.S.C. 2030) and 35 (33 U.S.C. 2035) of the Inland Navigation Rules when at anchor in a general anchorage area.

(C) Within an anchorage, fishing and navigation are prohibited within 500 yards of an anchored vessel displaying a red flag by day or a red light by night.

(D) These anchorage grounds are only authorized for use by tugs and/or barges.

(E) No vessel may occupy this anchorage ground for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(F) All coordinates referenced use datum: NAD 83.

* * * * *

Dated: July 23, 2009.

Dale G. Gabel,

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

[FR Doc. E9–22457 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2005–0463; FRL–8957–2]

Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to the Denver Emergency Episode Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions to the Denver Emergency Episode Plan submitted by the State of Colorado on September 16, 1997. EPA has determined that the Denver Emergency Episode Plan revisions meet the requirements for the prevention of air pollution emergency episodes with ambient concentrations of air pollutants that may endanger public health and welfare. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a non-controversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Written comments must be received on or before October 19, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2005–0463, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- E-mail: *videtich.callie@epa.gov* and *mastrangelo.domenico@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129.
- *Hand Delivery:* Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instruction on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Domenico Mastrangelo, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–6436, *mastrangelo.domenico@epa.gov.*

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final

action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: September 4, 2009.

Carol Rushin,

Acting Regional Administrator, Region 8.

[FR Doc. E9–22281 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA–2009–0231]

RIN–2126–AB19

Fees for the Unified Carrier Registration Plan and Agreement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: FMCSA extends the time for submitting comments for an additional ten days in response to the notice of proposed rulemaking (NPRM) proposing fees for the Unified Carrier Registration Plan and Agreement published on September 3, 2009. The FMCSA received a request to extend the comment period from the five industry representatives on the Board of Directors of the Unified Carrier Registration Agreement (Board), which was supported by several other interested parties. The extension of the comment period will allow all interested parties additional time to submit comments to the proposed rule.

DATES: The comment period for the proposed rule published September 3, 2009 (74 FR 45583) is extended. Comments must be received on or before September 28, 2009.

ADDRESSES: You may submit comments, identified by docket number FMCSA–2009–0231 and/or RIN 2126–AB19, by any of the following methods—Internet, facsimile, regular mail, or hand-deliver.

Federal eRulemaking Portal: Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov.* The FDMS is the preferred method for submitting comments, and we urge you to use it. In the ''Comment'' or ''Submission'' section, type Docket ID Number ''FMCSA–2009–0231'', select ''Go'', and then click on ''Send a Comment or Submission.'' You will receive a tracking number when you submit a comment.

Fax: 1–202–493–2251.

Mail, Courier, or Hand-Deliver: U.S. Department of Transportation, Docket Operations (M–30), West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

Docket: Comments and material received from the public, as well as background information and documents mentioned in this preamble, are part of docket FMCSA–2009–0231, and are available for inspection and copying on the Internet at *http://www.regulations.gov.* You may also view and copy documents at the U.S. Department of Transportation's Docket Operations Unit, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

Privacy Act: All comments will be posted without change including any personal information provided to the FDMS at *http://www.regulations.gov.* Anyone can search the electronic form of all our dockets in FDMS, by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc). The Department of Transportation's (DOT) complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19476), and can be viewed at *http://docketsinfo.dot.gov.* Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable. FMCSA may, however, issue a final rule at any time after the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Otto, Office of Enforcement and Program Delivery, (202) 366–0710, FMCSA, Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590 or by e-mail at: *FMCSAregs@dot.gov.*

SUPPLEMENTARY INFORMATION:

On September 8, 2009, the five industry representatives on the Board of Directors of the Unified Carrier Registration Agreement sent a request on behalf of themselves and their respective organizations including the American Trucking Associations, the National Private Trucking Council, the Owner Operator Independent Drivers Association, the Transportation Intermediaries Association, and Walmart for an extension of the comment period in the subject rulemaking proceeding.

Requests for extension of time to comment in a rulemaking proceeding before FMCSA are governed by the provisions of 49 CFR 389.19. Extensions require a showing of good cause, and are granted if consistent with the public interest.

Petitioners contend that the agency is required to provide an extension because of the provisions of Executive Order No. 12866, 58 FR 51733 (Oct. 4, 1993), as amended by Executive Order No. 13258, 67 FR 9383 (Feb. 28, 2002). Section 6 of E.O. 12866 provides that:

> Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.

In this matter, after the Board submitted its initial proposal for an adjustment of the UCR fees on April 3, 2009, FMCSA's designated member of the Board responded by conducting a telephone conference on April 23 with the Board's chairman and the chairman of Board's revenue and fees subcommittee to discuss several issues presented by the proposal. Those issues were explained in more detail in a written set of questions to the Board transmitted immediately after the conference.

Over the next few months, in the course of public meetings of the board of directors in May 14, June 16 and 17, and July 9, the issues raised by FMCSA were discussed. At its June meeting, the Board voted by a majority to reconsider the proposal submitted on April 3. The revenue and fees subcommittee of the Board, which has members from the motor carrier industry, met thereafter to consider alternative proposals that might address the issues raised by FMCSA. Two such proposals to replace the April 3 proposal were put to a vote by the Board at its meeting on July 9; both proposals failed to be adopted because of a tie vote among the members of the Board present and voting. On July 15, the Board submitted a letter advising the agency of these facts and, in effect, requesting FMCSA to proceed with the rulemaking proceeding contemplated by 49 U.S.C. 14504a(d)(7). As indicated in that letter, the Board and FMCSA both consider that the 90-day statutory time period for completion of the proceeding commenced on July 15. Petitioners'

contention that the statutory time limit has already expired is not correct.

In any case, by seeking the involvement of the Board in addressing the issues raised by the agency, interested and affected members of the Board and the public at large have long been aware of both the nature of the various fee proposals and the issues raised by FMCSA. Those issues have now been presented for public comment in the notice of proposed rulemaking issued on September 3. Because the 90-day period specified by statute ends on October 15, 2009, FMCSA had no option other than providing a short time for submitting comments, in order to provide the agency sufficient time to consider the public comments and to prepare a final rule. The 15-day comment period is the same comment period that was provided in 2007, without objection by any interested person, for consideration of the initial fees recommended by the Board. See 72 FR 29472 (May 29, 2007).

The provisions of E.O. 12866 quoted above do not require a 60-day comment period in every rulemaking, but instead clearly recognize that, in some cases, a shorter comment period is appropriate. Petitioners and other interested parties have had an opportunity for ''meaningful participation'' in the regulatory process over the last several months. Nonetheless good cause has been shown to grant a short extension of the comment period in this matter, in order to allow petitioners and the general public an opportunity to provide comprehensive comments on the proposed fees and fee bracket structure included in the NPRM published by FMCSA on September 3, 2009.

FMCSA, in the public interest grants in part the petitioner's request to extend the comment period. The Agency extends the comment period by ten days; comments must be received on or before September 28, 2009.

Issued: September 15, 2009.

Rose A. McMurray,

Acting Deputy Administrator.

[FR Doc. E9–22645 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 74, No. 180

Friday, September 18, 2009

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 15, 2009.

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

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

Farm Service Agency

Title: Request for Aerial Photography.

OMB Control Number: 0560–0176.

Summary of Collection: The Farm Service Agency (FSA) Aerial Photography Field Office (APFO) has the authority to coordinate aerial photography work in USDA, develop and carry out aerial photography and remote sensing programs and the Agency's aerial photography flying contract programs. The film APFO secures is public domain and reproductions are available at cost to any customer with a need. FSA will collect information using the following three forms: FSA–441, Request for Aerial Imagery, FSA 441B, Customer Digital Print Form, and FSA 441C, APFO Service Quality Survey.

Need and Use of the Information: FSA will collect the name, address, contact name, telephone, fax, e-mail, customer code, agency code, purchase order number, credit card number/exp. date and amount remitted/PO amount. Customers have the option of placing orders by mail, fax, telephone, and walk-in. Furnishing this information requires the customer to research and prepare their request before submitting it to APFO.

Description of Respondents: Farms; Individuals or household; Business or other for-profit; Federal Government; State, Local or Tribal Government; Not-for-profit institutions.

Number of Respondents: 6,300.

Frequency of Responses: Recordkeeping; Reporting; Annually; Other (when ordering).

Total Burden Hours: 3,770.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–22565 Filed 9–17–09; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 17, 2009.

FOR FURTHER INFORMATION CONTACT: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1522, Room 5162—South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–8435. E-mail: *michele.brooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. FAX:

(202) 720–8435. E-mail: *michele.brooks@wdc.usda.gov*.

Title: 7 CFR 1779, Water and Waste Disposal Programs Guaranteed Loans.

OMB Number: 0572–0122.

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

Abstract: The Rural Utilities Service is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and waste disposal facilities primarily servicing rural residents. The guaranteed loan program encourages lender participation and provides specific guidance in the processing and servicing of guaranteed loans. The regulations governing the Water and Waste Disposal Guaranteed Loan program are codified at 7 CFR 1779. The required information, in the form of written documentation and Agency approved forms, is collected from applicants/borrowers, their lenders, and consultants. The collected information will be used to determine applicant/borrower eligibility, project feasibility, and to ensure borrowers operate on a sound basis and use loan funds for authorized purposes. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, and/or unsound loans.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7.8 hours per response.

Respondents: Business or other for profit; Not-for-profit institutions; State, Local or Tribal government.

Estimated Number of Respondents: 15.

Estimated Number of Responses per Respondent: 7.3.

Estimated Total Annual Burden on Respondents: 858 hours.

Copies of this information collection can be obtained from Gale Richardson, Program Development and Regulatory Analysis, at (202) 720–0992. FAX: (202) 720–8435. E-mail: *gale.richardson@wdc.usda.gov*.

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

Dated: September 11, 2009.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. E9–22446 Filed 9–17–09; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 17, 2009.

FOR FURTHER INFORMATION CONTACT: Michele Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, 400 Independence Ave., SW., STOP 1522, Room 5170 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–8435.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Richard C. Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Room 5170, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. FAX: (202) 720–4120.

Title: Wholesale Contracts for the Purchase and Sale of Electric Power.

OMB Control Number: 0572–0089.

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

Abstract: Most RUS financed electric systems are cooperatives and are organized in a two-tiered structure. Retail customers are members of the distribution system that brings electricity to their homes and business. Distribution cooperatives, in turn, are members of power supply cooperatives, also known as generation and transmission cooperatives (G&T's) that generate or purchase power and transmit the power to the distribution systems.

For a distribution system a lien on the borrower's assets generally represents adequate security. However, since most G&T revenues flow from its distribution members, RUS requires, as a condition of a loan or loan guarantee to a G&T that long-term requirements wholesale power contract to purchase their power from the G&T at rates that cover all the G&T's expenses, including debt service and margins. RUS Form 444 is the standard form of the wholesale power contract. Most borrowers adapt this form to meet their specific needs. The contract is prepared and executed by the G&T and each member and by RUS.

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

Respondents: Small business or other for-profit; not-for-profit organizations.

Estimated Number of Respondents: 102.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 612 hours.

Copies of this information collection can be obtained from MaryPat Daskal, Program Development and Regulatory Analysis, at (202) 720–7853; FAX: (202) 720–7853.

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

Dated: September 11, 2009.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. E9–22449 Filed 9–17–09; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on October 7, 2009 at the Okanogan-Wenatchee National Forest Headquarters Office, 215 Melody Lane, Wenatchee, WA. During this meeting information will be shared about the Forest's Travel Management plan and process, the Forest Plan update, and Cabin Users Fee Fairness Act. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Becki Heath, Designated Federal Official, USDA, Okanogan-Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509–664–9200.

Dated: September 14, 2009.

Rebecca Lockett Heath,

Designated Federal Official, Okanogan-Wenatchee National Forest.

[FR Doc. E9–22548 Filed 9–17–09; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Department of Commerce: National Webinar for Industry on Climate Change Negotiations Under the United Nations Framework Convention on Climate Change (UNFCCC)

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of meeting.

SUMMARY: The U.S. Department of Commerce (DOC) will host a Webinar (online presentations and audio conference) for industry participants on September 22, 2009. Participants will learn from U.S. government officials about the status of current negotiations and hear about key issues for U.S. industry, as well as potential commercial opportunities. The Webinar will also allow private sector stakeholders, particularly industry and trade associations, to advise U.S. officials on the impact a new UNFCCC agreement could have on their respective operations and on associated commercial opportunities.

DATES: September 22, 2009.

ADDRESSES: To participate in the Webinar, please contact Frank Caliva, Office of Energy & Environmental Industries, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave., NW., Room 4053, Washington, DC 20230; 202–482–8245; *Frank.Caliva@mail.doc.gov.*

SUPPLEMENTARY INFORMATION:

Participation

Any private sector participant may register to attend; the number of call-in lines is limited and available on a first-come, first-serve basis. Please contact Frank Caliva, Office of Energy & Environmental Industries, International Trade Administration, U.S. Department of Commerce, at 202–482–8245 or *Frank.Caliva@mail.doc.gov* to register and receive call-in and log-on instruction.

The United Nations Framework Convention on Climate Change—The UNFCCC was signed in 1992 in Rio de Janeiro, Brazil, and entered into force on March 21, 1994. Currently, 193 states have ratified the Convention, including the United States. The treaty requires national inventories of greenhouse gas emissions from developed countries, and encourages national action to stem greenhouse gas emissions and slow climate change. Developed nations also pledge to share technology and resources with developing nations.

Kyoto Protocol to the United Nations Framework Convention on Climate Change—The Kyoto Protocol was adopted in December 1997, entered into force on February 16, 2005, and has been ratified by 188 countries and the European Community. While the United States signed the document, the U.S. Senate has never ratified the treaty. The Kyoto Protocol sets binding emissions targets for 37 industrialized countries, includes mechanisms for measuring and reporting emissions, and provides for financing and technology assistance to developing countries. The commitment period specified in the Protocol will expire at the end of 2012.

Current UNFCCC Negotiations—Negotiations under the UNFCCC are underway to formulate a successor agreement to the Kyoto Protocol. The discussions have the goal of concluding an agreement in Copenhagen this December. Potential impacts on U.S. industrial competitiveness will be discussed during the upcoming webinar including technology transfer, intellectual property, financing, and related commercial opportunities.

Cheryl McQueen,

Acting Director, Office of Energy and Environmental Industries, U.S. Department of Commerce.

[FR Doc. E9–22586 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Mahan Airways

In the matter of: Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; Respondent.

Order Renewing Order Temporarily Denying Export Privileges

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR Parts 730–774 (2009) (''EAR'' or the ''Regulations''), I hereby grant the request of the Bureau of Industry and Security (''BIS'') to renew for 180 days the Order Temporarily Denying the Export Privileges of Respondent Mahan Airways (the ''TDO''), as I find that renewal of the TDO is necessary in the public interest to prevent an imminent violation of the EAR.

I. Procedural History

On March 17, 2008, the Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary'') signed an Order Temporarily Denying the Export Privileges of Mahan Airways, as well as Balli Group PLC, Balli Aviation, Balli Holdings, Vahid Alaghband, Hassan Alaghband, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., Blue Sky Four Ltd., Blue Sky Five Ltd., Blue Sky Six Ltd, and Blue Airways, for 180 days on the grounds that its issuance was necessary in the public interest to prevent an imminent violation of the Regulations (''TDO''). The TDO was issued *ex parte* pursuant to Section 766.24(a), and went into effect on March 21, 2008, the date it was published in the **Federal Register.** On July 18, 2008, the Assistant Secretary issued an Order adding Blue Airways FZE and Blue Airways, both of Dubai, United Arab Emirates, as Related Persons to the TDO in accordance with Section 766.23 of the Regulations.[1] On September 17, 2008, the TDO was renewed for an additional 180 days in accordance with Section 766.24 of the

[1] The Related Persons Order was issued in accordance with Section 766.23 of the Regulations, 15 CFR 766.23, and was published in the **Federal Register** on July 24, 2008.

Regulations via an order effective upon issuance.[2] On March 16, 2009, the TDO was renewed for an additional 180 days via an order that also was effective upon issuance.[3]

On August 20, 2009, BIS, through its Office of Export Enforcement (''OEE''), filed a written request for renewal of the TDO against Mahan Airways for an additional 180 days, and served a copy of its request on the Respondent in accordance with Section 766.5 of the Regulations. No opposition to renewal of the TDO has been received from Mahan Airways. BIS did not seek renewal of the TDO as to Balli Group PLC, Balli Aviation, Balli Holdings, Vahid Alaghband, Hassan Alaghband, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., and Blue Airways of Armenia. OEE also did not seek renewal as to the Related Persons Blue Airways and Blue Airways FZE of Dubai, United Arab Emirates.

II. Discussion

A. Legal Standard

Pursuant to section 766.24(d)(3) of the EAR, the sole issue to be considered in determining whether to continue a TDO is whether the TDO should be renewed to prevent an ''imminent'' violation of the EAR as defined in Section 766.24. ''A violation may be 'imminent' either in time or in degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that ''the violation under investigation or charges is significant, deliberate, covert and/or likely to occur again, rather than technical and negligent [.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

B. The TDO and BIS's Request for Renewal

OEE's request for renewal of the TDO is based upon the facts underlying the issuance of the initial TDO, as well as evidence developed over the course of this investigation indicating a clear willingness on the part of Mahan Airways to continue to disregard U.S. export controls and the TDO. The initial TDO was issued as a result of evidence that showed that the Mahan Airways along with other parties engaged in conduct prohibited by the EAR by knowingly re-exporting to Iran three U.S.-origin aircraft, specifically Boeing 747s (''Aircraft 1–3''), items subject to the EAR and classified under Export Control Classification Number (''ECCN'') 9A991.b, without the required U.S. Government authorization. Further evidence submitted by BIS indicated that Mahan Airways was involved in the attempted re-export of three additional U.S.-origin Boeing 747s to Iran.

As more fully discussed in the September 17, 2008 TDO Renewal Order, evidence presented by BIS indicated that Aircraft 1–3 continued to be flown on Mahan Airways' routes after issuance of the TDO, in violation of the Regulations and the TDO itself.[4] It also showed that Aircraft 1–3 had been flown in further violation of the Regulations and the TDO on the routes of Iran Air, an Iranian Government airline. In addition, as more fully discussed in the March 16, 2009 Renewal Order, in October 2008, Mahan Airways caused Aircraft 1–3 to be deregistered from the Armenian civil aircraft registry and subsequently registered the aircraft in Iran. The aircraft were relocated to Iran and have been issued Iranian tail numbers, including EP–MNA and EP–MNB, and continue to be operated on Mahan Airways' flights in violation of the Regulations and the TDO.

OEE seeks renewal of the TDO against Mahan Airways based on its participation in the violations discussed in the initial and renewed TDOs, as well as additional evidence of unlawful actions obtained by OEE since it last requested renewal of the TDO on February 24, 2009. In addition to the Boeing 747's discussed above, OEE has presented evidence as part of its current renewal request indicating that in early 2009, while subject to the TDO, Mahan Airways acquired an additional U.S.-origin aircraft in violation of the Regulations and the TDO itself. The additional aircraft is an MD–82 aircraft painted in Mahan Airways livery and currently flying under tail number TC–TUA.

C. Findings

In determining whether to renew the TDO in order to prevent imminent violation of the Regulations, I have reviewed the entire record, including OEE's current and prior submissions and related evidence. I find that violations of the Regulations have occurred and continue to occur involving the unlicensed re-export of three U.S.-origin 747s presently possessed by Mahan Airways. Moreover, the aircraft are currently located in Iran and are registered and/or operated by Mahan Airways in violation of the Regulations and the TDO. The likelihood of future violations by Mahan Airways is further heightened by its acquisition of the U.S.-origin MD–82 aircraft in clear violation of the TDO.

I find that the evidence presented by BIS convincingly demonstrates that Mahan Airways has continued to violate the EAR and the TDO and that such knowing violations have been significant, deliberate and covert, and that there is a likelihood of future violations. As such, a TDO is needed to give notice to persons and companies in the United States and abroad that they should continue to cease dealing with Mahan Airways in export transactions involving items subject to the EAR. Such a TDO is consistent with the public interest to prevent violations of the EAR.

Accordingly, I find pursuant to Section 766.24, that renewal of the TDO for 180 days against Mahan Airways is necessary in the public interest to prevent an imminent violation of the EAR.

III. Order

It is therefore ordered: First, that the Respondent, MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp.Way, Tehran, Iran (the ''Denied Person'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefiting in any way from any transaction involving any item exported

[2] The September 17, 2008 Renewal Order was published in the **Federal Register** on October 1, 2008.

[3] The March 16, 2009 Renewal order was published in the **Federal Register** on March 25, 2009.

[4] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to the Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Section 766.24(e) of the EAR, the Respondent may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. The Respondent may oppose a request to renew this Order by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on the Respondent and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Entered this 11th day of September 2009.

Kevin Delli-Colli,

Acting Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. E9–22547 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–D2–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Survey of Income and Program Participation (SIPP) Wave 6 of the 2008 Panel

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before November 17, 2009.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patrick J. Benton, Census Bureau, Room HQ–6H045, Washington, DC 20233–8400, (301) 763–4618.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the SIPP, which is a household-based survey designed as a continuous series of national panels. New panels are introduced every few years with each panel usually having durations of one to four years. Respondents are interviewed at 4-month intervals or ''waves'' over the life of the panel. The survey is molded around a central ''core'' of labor force and income questions that remain fixed throughout the life of the panel. The core is supplemented with questions designed to address specific needs, such as obtaining information on household members participation in government programs as well as prior labor force patterns of household members. These supplemental questions are included with the core and are referred to as ''topical modules.''

The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single, unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic-policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983 permitting levels of economic well-being and changes in these levels to be measured over time.

The 2008 panel is currently scheduled for 4 years and will include 13 waves of interviewing beginning September 2008. Approximately 65,300 households were selected for the 2008 panel, of which 42,032 households were interviewed. We estimate that each household contains 2.1 people, yielding 88,267 person-level interviews in Wave 1 and subsequent waves. Interviews take 30 minutes on average. Three waves will occur in the 2008 SIPP Panel during FY 2010. The total annual burden for 2008 Panel SIPP interviews would be 132,400 hours in FY 2010.

The topical modules for the 2008 Panel Wave 6 collect information about:

- Adult Well-Being.
- Employer Provided Health Benefits.
- Functional Limitations and Disability (Adults and Children).
- Support for Non-Household Members.
- Child Support Agreements.

Wave 6 interviews will be conducted from May 1, 2010 through August 31, 2010.

A 10-minute reinterview of 3,100 people is conducted at each wave to ensure accuracy of responses. Reinterviews require an additional 1,553 burden hours in FY 2010.

II. Method of Collection

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years with each panel having durations of 1 to 4 years. All household members 15 years old or over are interviewed using regular proxy-respondent rules. During the 2008 panel, respondents are interviewed a total of 13 times (13 waves) at 4-month intervals making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these individuals move, they are not followed unless they happen to move along with a Wave 1 sample individual.

III. Data

OMB Control Number: 0607–0944.

Form Number: SIPP/CAPI Automated Instrument.

Type of Review: Regular submission.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 88,267 people per wave.

Estimated Time per Response: 30 minutes per person on average.

Estimated Total Annual Burden Hours: 133,953.

Estimated Total Annual Cost: The only cost to respondents is their time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: September 15, 2009.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–22482 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK26

Marine Mammals; File No. 13430

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

ACTION: Notice; receipt of amended application.

SUMMARY: Notice is hereby given that the NMFS National Marine Mammal Laboratory, (Responsible Party: Dr. John Bengtson, Director), Seattle, WA, has submitted a revised application for a permit to conduct research on marine mammals.

DATES: Written, telefaxed, or e-mail comments must be received on or before October 19, 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. 13430 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

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426.

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: Tammy Adams or Kate Swails, (301)713–2289.

SUPPLEMENTARY INFORMATION: On September 8, 2008, notice was published (73 FR 52027) of a request for a permit under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant has amended the application to request the permit include annual harassment of up to 250 threatened Eastern Distinct Population Segment Steller sea lions (*Eumetopias jubatus*) and 100 Southern Resident killer whales (*Orcinus orca*) incidental to aerial surveys and underwater playback experiments, respectively.

The amended application still proposes conduct of research on Pacific harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and northern elephant seals (Mirounga angustirostris) within coastal waters and on pinniped rookeries and haul outs of Washington and Oregon. Please refer to the table in the amended application for the numbers of animals proposed for taking, and the locations and manner of such taking.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a draft environmental assessment (EA) has been prepared to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. Based on the analyses in the EA, it is NMFS initial determination that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement is not required.

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 14, 2009.

P. Michael Payne,

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

[FR Doc. E9–22500 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839]

Certain Polyester Staple Fiber from the Republic of Korea: Extension of Time Limit for the Final Results of the 2007–2008 Antidumping Duty Administrative Review

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

EFFECTIVE DATE: September 18, 2009.

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

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department of Commerce (''the Department'') to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

Background

On June 9, 2009, the Department published the preliminary results of the 2007–2008 administrative review of the antidumping duty order on certain polyester staple fiber from the Republic of Korea. *See Certain Polyester Staple Fiber from the Republic of Korea: Preliminary Results of the 2007/2008 Antidumping Duty Administrative Review*, 74 FR 27281 (June 9, 2009). In our preliminary results, we stated that we would issue our final results for the antidumping duty administrative review no later than 120 days after the date of publication of the preliminary results (*i.e.*, October 7, 2009).

Extension of Time Limits for Final Results

The Department has determined that completion of the final results of this review within the original time period is not practicable because the Department conducted verification late in the proceeding, from July 27, 2009, through July 31, 2009, and needs additional time to analyze information collected at verification in preparation for the final results. Thus, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing the final results of review by an additional 60 days, until December 7, 2009.[1]

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: September 11, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–22494Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture from the People's Republic of China: Extension of the Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review

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

DATES: September 18, 2009.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen or David Edmiston, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–2769 or (202) 482–0989, respectively.

SUPPLEMENTARY INFORMATION: On February 26, 2009, the Department of Commerce (''Department'') published a notice of initiation of an administrative review of the antidumping duty order on wooden bedroom furniture from the People's Republic of China. *See Initiation of Antidumping Duty Administrative Review*, 74 FR 8776 (February 26, 2009). The period of review is January 1, 2008, through December 31, 2008. The preliminary results of the administrative review are currently due no later than October 5, 2009.

Extension of Time Limit for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the ''Act''), the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time period to a maximum of 365 days. Completion of the preliminary results of this review within the 245-day period is not practicable because the Department needs additional time to analyze information pertaining to the respondents' sales practices, factors of production, and corporate relationships, to issue and review responses to supplemental questionnaires, and then verify the submitted information. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is fully extending the time period for completing the preliminary results of the instant administrative review until February 1, 2010, the first business day after the fully extended due date of January 31, 2010. The final results continue to be due 120 days after the publication of the preliminary results.

This notice is published pursuant to sections 751(a) and 777(i) of the Act.

Dated: September 14, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–22499 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DS–S

[1] 60 days from October 7, 2009, is December 6, 2009. However, Department practice dictates that where a deadline falls on a weekend, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801]

Ball Bearings and Parts Thereof From France: Initiation of Antidumping Duty Changed-Circumstances Review

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

SUMMARY: In response to a request from SNR Roulements S.A., the Department of Commerce is initiating a changed-circumstances review of the antidumping duty order on ball bearings and parts thereof from France.

DATES: *Effective Date:* September 18, 2009.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; (202) 482–0410 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) published an antidumping duty order on ball bearings and parts thereof from France on May 15, 1989. See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof from France,* 54 FR 20902 (May 15, 1989).

On August 21, 2009, SNR Roulements S.A. (SNR) requested that, because NTN Bearing Corporation of America (NBCA) acquired a 51-percent interest in SNR, the Department initiate a changed-circumstances review to determine whether post-acquisition SNR is the successor-in-interest to pre-acquisition SNR.

No other party has submitted comments.

Scope of the Order

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

Imports of these products are classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3926.90.45, 4016.93.10, 4016.93.50, 6909.19.50.10, 8431.20.00, 8431.39.00.10, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.35, 8482.99.25.80, 8482.99.65.95, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.93.30, 8708.93.60.00, 8708.99.06, 8708.99.31.00, 8708.99.40.00, 8708.99.49.60, 8708.99.58, 8708.99.80.15, 8708.99.80.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90.

As a result of changes to the HTSUS, effective February 2, 2007, the subject merchandise is also classifiable under the following additional HTSUS item numbers: 8708.30.50.90, 8708.40.75, 8708.50.79.00, 8708.50.89.00, 8708.50.91.50, 8708.50.99.00, 8708.70.60.60, 8708.80.65.90, 8708.93.75.00, 8708.94.75, 8708.95.20.00, 8708.99.55.00, 8708.99.68, 8708.99.81.80.

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

Initiation of Changed-Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930 (the Act), as amended, and 19 CFR 351.216, the Department will conduct a changed-circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. SNR claims that it has satisfied the criteria to warrant such a review. We agree that the information submitted by SNR demonstrates changed circumstances sufficient to warrant a review. Therefore, in accordance with the above-referenced regulation, the Department is initiating a changed-circumstances review.

SNR claims that the information contained in its August 21, 2009, request demonstrates that it is the successor-in-interest to SNR prior to acquisition by NBCA (*i.e.,* pre-acquisition SNR). Although SNR requests that the Department refrain from issuing a changed-circumstances questionnaire, in accordance with 19 CFR 351.221(b)(2) and (4), the Department may issue a questionnaire requesting factual information for the review should it decide additional information is necessary.

We will publish a notice of preliminary results of the antidumping duty changed-circumstances review in the **Federal Register** as explained in 19 CFR 351.221(b)(4) and 221(c)(3)(i). The notice will set forth the factual and legal conclusions upon which our preliminary results are based. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. We will issue our final results of review no later than the regulatory deadline in accordance with 19 CFR 351.216(e). During the course of this antidumping duty changed-circumstances review, we will not change the cash-deposit requirements for imports of the subject merchandise. The cash-deposit rate will be altered, if warranted, pursuant only to the final results of this changed-circumstances review.

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: September 14, 2009.

Carole A. Showers,

Acting Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. E9–22497 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 37–2009]

Foreign–Trade Zone 272 - Lehigh Valley, Pennsylvania, Application for Expansion

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the Lehigh Valley Economic Development Corporation, grantee of FTZ 272, requesting authority to expand FTZ 272 to include an additional site in Bethlehem, Pennsylvania. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 9, 2009.

FTZ 272 was approved on April 5, 2007 (Board Order 1502, 72 FR 18960, 4/16/07), and expanded on February 13, 2009 (Board Order 1605, 74 FR 8903, 2/27/09). The zone currently consists of eight sites (1,927 acres total): *Site 1* (727 acres) -- Lehigh Valley Industrial Park VII, 1805 East 4th Street, Bethlehem; *Site 2* (96 acres) -- Arcadia East Industrial Park, intersection of Route 512 and Silver Crest Road, East Allen

Township; *Site 3* (83 acres) -- Arcadia West Industrial Park, intersection of I–78 and Route 863, Weisenberg Township; *Site 4* (226 acres) -- West Hills Business Center, intersection of I–78 and Route 863, Weisenberg Township; *Site 5* (399 acres) -- Boulder Business Center, intersection of Boulder Drive and Industrial Boulevard, Breinigsville (Upper Macungie Township); *Site 6* (183 acres) -- Lehigh Valley West Corporate Center, intersection of Nestle Way and Schantz Road, Breinigsville (Upper Macungie Township); *Site 7* (213 acres) -- within the LogistiCenter, 4950 Hanoverville Road, Bethlehem (Lower Nazareth Township); and, *Site 8* (163 acres) -- Prologis 33 warehouse facility, 3819 and 3850 ProLogis Parkway, Northampton County.

The applicant is requesting authority to expand the zone to include an additional site in Bethlehem (Northampton County): *Proposed Site 9* (442 acres) -- Majestic Bethlehem Center located at 3001 Commerce Center Boulevard. The site will provide warehousing and distribution services to area businesses. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case–by-case basis.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 17, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 2, 2009.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign–Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Camille Evans at Camille_Evans@ita.doc.gov or (202) 482–2350.

Dated: September 9, 2009.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E9–22495 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 51–2008]

Foreign–Trade Zone 82, Application for Subzone Authority, ThyssenKrupp Steel and Stainless USA, LLC, Extension of Comment Period

The comment period for the application for subzone status at the ThyssenKrupp Steel and Stainless USA, LLC (ThyssenKrupp) facility in Calvert, Alabama (73 FR 58535–58536, 10/7/08) is being extended to October 9, 2009 to allow interested parties additional time in which to comment. Rebuttal comments may be submitted during the subsequent 15-day period, until October 26, 2009. Submissions shall be addressed to the Board's Executive Secretary at: Foreign–Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave. NW, Washington, DC 20230. Submissions can be emailed to the address provided below.

For further information, contact Elizabeth Whiteman at Elizabeth_Whiteman@ita.doc.gov or (202) 482–0473.

Dated: September 9, 2009.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E9–22496 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Welded Carbon Steel Standard Pipe and Tube from Turkey: Notice of Rescission of Countervailing Duty Administrative Review, In Part

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

EFFECTIVE DATE: September 18, 2009.

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4161.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 2009, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on welded carbon steel pipe and tube from Turkey. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 74 FR 9077 (March 2, 2009). On April 27, 2009, the Department published the notice of initiation of the administrative review of the CVD order for the period January 1, 2008, through December 31, 2008, covering, among other companies,[1] the Yucel Boru Group, Cayirova Boru Sanayi ve Ticaret A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S., and Yucel Boru ve Profil Endustrisi A.S. (collectively, Yucel). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 19042, 19044 (April 27, 2009).

On June 15, 2009, Yucel notified the Department that it had no sales, shipments, or entries, directly or indirectly, of subject merchandise to the United States during the period of review (POR). On August 5, 2009, we published the notice of preliminary rescission of this CVD duty administrative review with respect to Yucel, and invited interested parties to comment. *See Welded Carbon Steel Standard Pipe and Tube from Turkey: Intent to Rescind Countervailing Duty Administrative Review, in Part*, 74 FR 39062 (August 5, 2009) (*Preliminary Rescission*). We received no comments, and have determined that the review of Yucel should be rescinded. This review will remain in effect for all other companies for which the review was initiated.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise to the United States by that producer. Yucel submitted a letter on June 15, 2009, certifying that it did not have sales of subject merchandise to the United States during the POR. The Department

[1] The Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosyali dis Ticaret A.S., and Toscelik Profil ve Sac Endustrisi A.S.

received no comments from any other party on Yucel's no–shipment claim.

We conducted an internal customs data query on June 16, 2009. We also issued a ''no shipments inquiry'' message to U.S. Customs and Border Protection (CBP), which posted the message on June 19, 2009.[2] The customs data query indicated that Yucel had no sales, shipments, or entries of subject merchandise to the United States during the POR. We did not receive any information from CBP contrary to Yucel's claim of no sales, shipments, or entries of subject merchandise to the United States during the POR. *See* Memorandum to the File through Melissa Skinner, Director, AD/CVD Operations, Office 3, titled ''Customs Data Query,'' (July 7, 2009).

Based on our analysis of the shipment data, we determine that Yucel did not ship subject merchandise to the United States during the POR. Therefore, in accordance with 19 CFR 351.213(d)(3), and consistent with our practice,[3] we are rescinding the review for Yucel. We will continue this administrative review with respect to the Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosyali dis Ticaret A.S., and Toscelik Profil ve Sac Endustrisi A.S.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 14, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–22498 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–DS–S

[2] *See* Message number 9170203, available at http://addcvd.cbp.gov.

[3] *See, e.g., Certain Welded Carbon Steel Pipe and Tube from Turkey: Notice of Rescission, in Part, of Antidumping Duty Administrative Review*, 74 FR 7394 (February 17, 2009).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–819]

Ni–Resist Piston Inserts from Argentina: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to a producer and exporter of Ni–resist piston inserts from Argentina. For information on the estimated subsidy rate, see the ''Suspension of Liquidation'' section of this notice.

EFFECTIVE DATE: September 18, 2009.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

This investigation covers 22 programs. Clorindo Appo SRL (Clorindo) is the only producer/exporter of subject merchandise from Argentina under investigation. The petitioner is Korff Holdings, LLC d/b/a Quaker City Castings.

Period of Investigation

The period of investigation (the POI) for which we are measuring subsidies is January 1, 2008, through December 31, 2008, which corresponds to Argentina's most recently completed fiscal year. *See* 19 CFR 351.204(b)(2).

Case History

The following events have occurred since the preliminary determination notice was published in the **Federal Register** on July 6, 2009. *See Ni–Resist Piston Inserts From Argentina: Preliminary Affirmative Countervailing Duty Determination*, 74 FR 31914 (July 6, 2009) (*Preliminary Determination*).

From July 23 through July 29, 2009, we conducted verification of the questionnaire responses submitted by the Government of Argentina (GOA), including the provincial government of Santa Fe, and Clorindo. We issued the verification reports on August 13, 2009.[1]

On August 25 and 27, 2009, we received a case brief from Clorindo and the GOA, respectively.[2] On August 31, 2009, we received a rebuttal brief from Clorindo. On September 2, 2009, we received a case brief from the petitioner.[3] On September 9, 2009, we received from the GOA a rebuttal brief to the petitioner's case brief. We did not hold a hearing in this investigation, as one was not requested.

Scope of Investigation

The scope of this investigation includes all Ni–resist piston inserts regardless of size, thickness, weight, or outside diameter. Ni–resist piston inserts may also be called other names including, but not limited to, ''Ring Carriers,'' or ''Alfin Inserts.'' Ni–resist piston inserts are alloyed cast iron rings, with or without a sheet metal cooling channel pressed and welded into the interior of the insert. Ni–resist piston inserts are composed of the material known as Ni–resist, of the chemical composition: 13.5% - 17.5% Ni (nickel), 5.5% - 8.0% Cu (copper), 0.8% - 2.5% Cr (chromium), 0.5% - 1.5% Mn (manganese), 1.0% - 3.0% Si (silicon), 2.4% - 3.0% C (carbon). The cast iron composition is produced primarily to the material specifications of the American Society for Testing and Materials (ASTM), ASTM A–436 grade 1.

The scope of this investigation does not include piston rings nor any other product manufactured using the Ni–resist material. The subject imports are properly classified under subheading 8409.99.91.90 of the Harmonized Tariff Schedule of the United States (HTSUS), but have been imported under HTSUS 7326.90. The HTSUS subheadings are provided for convenience and customs purposes. The written description is dispositive of the scope of this investigation.

Injury Test

Because Argentina is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, the International Trade Commission (the ITC) is required to determine whether imports of the subject merchandise from Argentina materially injure, or threaten material injury to, a U.S. industry. On March 25, 2009, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is

[1] The public version of the verification reports and all public documents for this investigation are on file in the Central Records Unit, room 1117 in the main building of the Commerce Department.

[2] The GOA submitted a case brief on August 25, 2009; however, the case brief was rejected because it contained untimely new factual information. *See* Letter to Roberto Salafia, Minister, Economic and Commercial Section, Embassy of Argentina from Melissa G. Skinner, Director, Operations Office 3, regarding Rejection of Case Brief with Untimely Filed Information (August 26, 2009), which stated that the GOA could resubmit the case brief by August 28, 2009 provided the untimely information was removed.

[3] The petitioner submitted a case brief on August 20, 2009; however, the case brief was rejected because it contained an untimely new subsidy allegation and untimely new factual information. *See* Letter to Geoffrey Korff of the Korff Law Firm from Melissa G. Skinner, Director, Operations Office 3 (August 25, 2009), which stated that petitioner could resubmit the case brief, provided the untimely information was removed. On September 1, 2009, the Department granted to the petitioner an extension of time to resubmit the case brief. See Letter to Geoffrey Korff of the Korff Law Firm from Melissa G. Skinner, Director, Operations Office 3 (September 1, 2009).

materially injured by reason of imports from Argentina of the subject merchandise. *See Ni–Resist Piston Inserts from Argentina and Korea; Determinations*, Investigation Nos. 701–TA–460–461 (Preliminary), 74 FR 12898 (March 25, 2009).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Decision Memorandum dated concurrently with, and which is hereby adopted by this notice. Attached to this notice as an Appendix is a list of the issues that parties raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at http://ia.ita.doc.gov/frn/. The paper copy and electronic version of the Decision Memorandum are identical in content.

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Tariff Act of 1930, as amended (the Act), we have calculated an individual rate for Clorindo, the only company under investigation. We determine that the total estimated net countervailable subsidy rate is 6.81 percent ad valorem. The All Others rate is 6.81 percent *ad valorem*, which is the rate calculated for Clorindo.

As a result of the *Preliminary Determination* and pursuant to section 703(d) of the Act, we instructed the U.S. Customs and Border Protection to suspend liquidation of all entries of Ni–resist piston inserts from Argentina which were entered or withdrawn from warehouse, for consumption on or after July 6, 2009, the date of the publication of the *Preliminary Determination* in the **Federal Register**.

We will issue a countervailing duty order under section 706(a) of the Act if the ITC issues a final affirmative injury determination, and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) 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 related 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 (APO), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 14, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix Issues and Decision Memorandum

List of Comments and Issues in the Decision Memorandum

Comment 1: Tax Relief under the Reintegro

*Comment 2:*Stamp Tax Exemption
*Comment 4:*Procedural Guarantees Provided in the WTO SCM Agreement
*Comment 5:*More Expansive POI

[FR Doc. E9–22493 Filed 9–17–09; 8:45 am]
BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR69

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Herring Oversight Committee along with the Atlantic States Marine Fisheries Commission's Herring Section will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, October 6, 2009 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775–5411; fax: (207) 775–1066.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

1. Review/discuss Scientific and Statistical Committee (SSC) recommendations for acceptable biological catch (ABC) and ABC control rule;
2. Discuss herring fishery specifications for 2010–12 fishing years and develop preliminary recommendations for domestic annual harvesting (DAH), domestic annual processing (DAP), joint venture processing (JVP), border transfer (BT), total allowable level of foreign fishing (TALFF), optimum yield (OY), and other related specifications;
3. Discuss/address management uncertainty and develop related recommendations; develop options for 2010–12 annual catch limits (ACLs) for herring management areas to be analyzed in the specifications package;
4. Address other issues related to 2010–12 herring fishery specifications.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: September 15, 2009.

Tracey L. Thompson,

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

[FR Doc. E9–22491 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR68

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a working meeting, which is open to the public.

DATES: The GMT meeting will be held Monday, October 5, 2009, from 1 p.m. until business for the day is completed. The GMT meeting will reconvene Tuesday, October 6 through Friday, October 9, from 8:30 a.m. until business for the day is completed.

ADDRESSES: The GMT meeting will be held in Portland, OR at a location to be determined.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Groundfish Management Coordinator; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT working meeting is to develop a range of 2011–2011 annual catch limits for groundfish species from new stock assessments and rebuilding analyses, consider recommendations for 2011–12 management measures, consider recommendations for inseason adjustments to 2010 groundfish fisheries, consider recommendations for 2010 exempted fishing permits, and consider draft Groundfish Fishery Management Plan (FMP) Amendment 23 provisions and analyses in contemplation for adding new National Standard 1 guidelines to the FMP. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. The GMT's role will be development of recommendations for consideration by the Council at its November meeting in Costa Mesa, CA.

Although non-emergency issues not contained in the meeting agenda may come before the GMT for discussion, those issues may not be the subject of formal GMT action during this meeting. GMT action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GMT's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 15, 2009.

Tracey L. Thompson,

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

[FR Doc. E9–22490 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Performance Review Board Membership

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Performance Review Board Membership.

SUMMARY: Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economics and Statistics Administration's Senior Executive Service and Senior Professional Performance Management Systems:

Shirin Ahmed
Ana Aizcorbe
Teresa Angueira
William Bell
Lisa Blumerman
William G. Bostic, Jr.
Brian Callahan
Douglas Clift
Carl E. Cox
Dennis J. Fixler
Paul Friday
Nancy M. Gordon
David Hackbarth
Francis Grailand Hall
Howard Hogan
Enrique Lamas
J. Steven Landefeld
Cheryl Landman
Arnold A. Jackson
Ron Jarmin
David Johnson
Theodore A. Johnson
Ruth Ann Killion
Cheryl Landman
Dr. Jennifer Madans
Rosemary D. Marcuss
Marilia Matos
Jeffrey Mayer
Thomas L. Mesenbourg, Jr.
Jane W. Molloy
Brian Monaghan
C. Harvey Monk
Brent R. Moulton
Andrew Moxam
Brian C. Moyer
Carol E. Moylan
Joel D. Platt
Michael Palensky
Nancy Potok
Susan Schechter Bortner
James Tyler, Jr.
Frank Vitrano
Mark Wallace
Daniel Weinberg
Obie G. Whichard
David Whitford
James K. White
Tommy Wright
Thomas Zabelsky

FOR FURTHER INFORMATION CONTACT: Latasha Ellis, 301–763–3727.

Dated: September 9, 2009.

James K. White,

Associate Under Secretary for Management Chair, Performance Review Board.

[FR Doc. E9–22549 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–BS–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Request for Nominations of Member Organizations To Serve on the 2010 Census Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of request for nominations.

SUMMARY: The Bureau of the Census (Census Bureau) invites and requests nominations of organizations for appointment to the 2010 Census Advisory Committee (2010 CAC). The **SUPPLEMENTARY INFORMATION** section for this notice provides information about the objectives and duties of the advisory committee and membership criteria.

DATES: Please submit nominations by October 9, 2009.

ADDRESSES: Please submit nominations to Jeri Green, Chief, Census Advisory Committee Office, U.S. Census Bureau, Room 8H156, Suitland Federal Center, 4700 Silver Hill Road, Washington, DC 20233, telephone 301–763–6590. Nominations also may be submitted via fax (301–763–8609) or by e-mail to *jeri.green@census.gov*.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Chief, Census Advisory Committee Office, Census Bureau, Room 8H156, Suitland Federal Center, 4700 Silver Hill Road, Washington, DC 20233, telephone 301–763–6590, or e-mail to *jeri.green@census.gov*.

SUPPLEMENTARY INFORMATION: The 2010 CAC was established in accordance with the Federal Advisory Committee Act (Title 5, United States Code (U.S.C.), Appendix 2). The following provides information about the Committee, membership, and nomination process:

Objectives and Duties

1. The 2010 CAC considers the needs of the decennial census from the perspective of outside data users and other organizations having a substantial interest and expertise in the conduct and outcome of the decennial. The Committee will provide advice on how best the Census Bureau can effectively and efficiently accomplish its decennial goals and objectives.

2. The 2010 CAC addresses policy, research, and technical issues related to the design and implementation of the 2010 decennial census, including the American Community Survey.

3. The Committee functions solely as an advisory body under the Federal Advisory Committee Act.

Membership

1. The Secretary of Commerce appoints the member organizations and designates the Chair and Vice-Chair of the Committee.

2. The 2010 CAC consists of a Chair, Vice-Chair, and a designated representative from each member organization. The 2010 CAC is expanding from 20 to 30 member organizations. Member organizations represent data users, general governmental entities, technology-based organizations, and entities with expertise in the statutory and constitutional uses of census data, including redistricting. Membership includes *ex-officio* members representing U.S. Senate and House of Representatives' Committees with census oversight responsibilities. A representative from the Census Advisory Committees on Race and Ethnic Populations also serves as ex-officio member. *Ex-officio* members serve in a non-voting capacity.

3. Committee members are selected in accordance with applicable Department of Commerce guidelines. The Committee's composition should reflect a balance of viewpoints and perspectives, considering such factors as geography, diversity in the sectors represented (*i.e.*, business and industry, academia, consumers, etc.), and the public-at-large. The size and the scope of the member organizations also are considered.

4. Committee members should have relevant backgrounds and experience to significantly assist and/or contribute to the overall functions, tasks, and missions of the decennial census. The members should bring diverse perspectives and be able to provide advice on policy and technical issues affecting the goals of ongoing decennial programs, surveys, and initiatives.

5. The Committee has the fewest number of members necessary to accomplish the objectives of the Charter. Committee membership will not duplicate other organizations, interests, or communities already represented on existing census advisory committees or census consultation groups (*i.e.*, Census Information Centers or State Data Centers).

6. Committee members report to the Director of the Census Bureau.

Miscellaneous

1. Members of the Committee serve without compensation, but the Census Bureau will, upon request, reimburse travel expenses, as authorized by 5 U.S.C. 5701, *et. seq.*, dealing with travel and subsistence expenses.

2. The Committee meets at least once a year. Meetings are one to two days in duration.

3. Committee meetings are open to the public.

Nomination Information

1. The Census Bureau is seeking nominations to fill 10 seats on the 2010 CAC to include organizations that are knowledgeable about issues related to the uses of the census data, general governmental entities, data users, research and technology-based organizations, businesses, children and youth, privacy and/or organizations serving historically undercounted populations.

2. Member organizations shall serve a term of three years. Members may be invited to serve a second subsequent term contingent upon the organization's active participation in advisory committee activities, overall advisory committee needs for that organization's expertise and specialized advice, and the status and schedule of decennial planning activities and implementation.

3. Nominations of organizations may come from individuals or organizations. Organizations also may self-nominate. A summary of the organization's qualifications and the experience that qualifies it for membership should be included in the nomination letter. Nominated organizations must be able to actively participate in the tasks of the Committee, including, but not limited to regular meeting attendance, review of materials, and participation in conference calls, working groups, and special committee activities.

4. The Department of Commerce is committed to equal opportunity in the workplace and seeks diverse Committee membership.

Dated: September 10, 2009.

Robert M. Groves,

Director, Bureau of the Census.

[FR Doc. E9–22448 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XQ80

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Port of Anchorage Marine Terminal Redevelopment Project

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the Port of Anchorage (POA) and the U.S. Department of Transportation Maritime Administration (MAARD), to take four species of marine mammals incidental to the POA's Marine Terminal Redevelopment Project.

DATES: Effective July 15, 2009, through July 14, 2010.

ADDRESSES: The LOA and supporting documentation are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources,

National Marine Fisheries Service (NMFS), 1315 East-West Highway, Silver Spring, MD 20910–3225 or by telephoning one of the contacts listed below. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address and at the Alaska Regional Office, 222 West 7th Avenue, Anchorage, AK 99513.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 713–2289.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the National Marine Fisheries Service (NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term ''taking'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Authorization may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements for monitoring and reporting of such taking.

Regulations governing the taking of Cook Inlet beluga whales (*Delphinapterus leucas*), harbor porpoises (*Phocoena phocoena*), killer whales (*Orcinus orca*), and harbor seals (*Phoca vitulina*), by harassment, incidental to in-water pile driving were issued on July 15, 2009 (74 FR 35136), and remain in effect until July 14, 2014. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during the specified activity.

Consistent with the regulations and associated rule making, NMFS has issued an LOA to the POA authorizing the incidental take of the four marine mammal species listed above that may result from in-water pile driving and chipping associated with the MTRP. Analysis of effects on those marine mammals and their availability for subsistence uses can be found in the final rule cited above for this action. Issuance of the LOA is based on a finding made in the preamble to the final rule that the total taking by these activities (with mitigation, monitoring, and reporting requirements) will have no more than a negligible impact on the affected species or stocks and will not have an unmitigable adverse impact on their availability for taking for subsistence uses. NMFS further finds the POA will satisfy the requirements in the regulations and LOA, as it has done in a prior take authorization.

As stated in the regulations and LOA, take of marine mammals will be minimized through implementation of the following mitigation measures: (1) if a marine mammal is detected within or approaching the Level A or impact and vibratory pile driving Level B harassment isopleths (200 m, 350m and 1,300 m, respectively) prior to in-water pile driving or chipping, those operations shall be immediately delayed or suspended until the marine mammal moves outside these designated zones or the animal is not detected within 15 minutes of the last sighting; (2) in-water impact pile driving shall not occur during the period from two hours before low tide until two hours after low tide; (3) in-water piles will be driven with a vibratory hammer to the maximum extent possible (i.e., until a desired depth is achieved or to refusal) prior to using an impact hammer; (4) in-water pile driving or chipping shall not occur when conditions restrict clear, visible detection of all waters within harassment zones; (5) A ''soft start'' technique shall be used at the beginning of each day's in-water pile driving activities or if pile driving has ceased for more than one hour to allow any marine mammal that may be in the immediate area to leave before piling driving reaches full energy; (6) if a group of more than 5 beluga whales or group with a calf is sighted within the Level B harassment isopleths, in-water pile driving shall be suspended; and (7) for operated in-water heavy machinery work other than pile driving or chipping (i.e., dredging, dump scowles, linetug boats used to move barges, barge mounted hydraulic excavators, or clamshell equipment used to place or remove material), if a marine mammal comes within 50 m, those operations will cease and vessels will reduce to the slowest speed practicable while still maintaining control of the vessel and safe working conditions.

NMFS-approved marine mammal observers (MMOs) will be stationed at the port during all in-water pile driving and chipping. In addition, the POA and MARAD shall employ a scientific marine mammal monitoring team separate from the on-site MMOs to characterize beluga whale abundance, movements, behavior, and habitat use around the Port of Anchorage and observe, analyze, and document potential changes in behavior in response to in-water construction work. This monitoring team is not required to be present during all in-water pile driving operations but will continue monitoring one-year post in-water construction. The on-site MMOs and this marine mammal monitoring team shall remain in contact to alert each other to marine mammal presence when both teams are working.

The POA and MARAD shall submit monthly reports, due the 10th of each month, summarizing all in-water construction activities and marine mammal monitoring sighting sheets. In addition, an annual report shall be due sixty days before expiration of the LOA. This report shall summarize monthly reports and any apparent long or short term impacts the MTRP may be having on marine mammals. This LOA will be renewed annually based on review of the annual monitoring report.

Dated: September 10, 2009.

James H. Lecky,

Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–22501 Filed 9–17–09; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a service to be provided by nonprofit agency employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: 10/19/2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely

Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Patricia Briscoe Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed action.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice for the service will be required to furnish the service listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. If approved, the action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following service is proposed for addition to Procurement List for production by the nonprofit agencies listed:

Service

Service Type/Location: Document Management, Portland Habilitation Center, 5312 NE., 148th Avenue, Portland, OR.

NPA: Portland Habilitation Center, Inc., Portland, OR.

Contracting Activity: Department of Agriculture, Forest Service, Gifford Pinchot National Forest, Vancouver, WA.

Patricia Briscoe,

Deputy Director, Business Operations, Pricing and Information Management.

[FR Doc. E9–22447 Filed 9–17–09; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Programmatic Environmental Impact Statement for the Chesapeake Bay Oyster Recovery Project, Virginia & Maryland

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), Baltimore (NAB) and Norfolk (NAO) Districts published a Notice of Intent (NOI) (71 FR 14857) for the Chesapeake Bay Native Oyster Recovery study on March 24, 2006. That NOI announced that the USACE Baltimore and Norfolk Districts would prepare a single, integrated Native Oyster Restoration Master Plan (NORMP) and Programmatic Environmental Impact Statement (PEIS) for native oyster recovery in the entire Chesapeake Bay (including both Maryland and Virginia). The USACE is undertaking native oyster recovery in the Chesapeake Bay to support efforts to reverse the ongoing decline in oyster resources throughout the Bay.

The USACE is now announcing a major change in the timing of the NORMP and PEIS. The schedule for the NORMP and PEIS was delayed so that the document could be tiered to the ''Programmatic EIS for Oyster Restoration in Chesapeake Bay Including the Use of a Native and/or Nonnative Oyster'' (PEIS ORCB). The preferred alternative identified in the PEIS recommends ''using a combination of alternatives that involves only the native Eastern oyster (*Crassostrea virginica*).'' Consistent with the preferred alternative, the USACE will expand upon and further develop plans and recommendations for Chesapeake Bay native oyster restoration in the NORMP and PEIS.

FOR FURTHER INFORMATION CONTACT: Questions and comments about the NORMP and/or PEIS can be addressed to Mr. Craig Seltzer, Norfolk District U.S. Army Corps of Engineers, ATTN: CENAO–PM–PA, 803 Front Street, Norfolk, VA 23510. E-mail address: *Craig.L.Seltzer@usace.army.mil* and phone number: 757–201–7390 or Ms. Anna Compton, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–P, 10 S. Howard Street, Baltimore, MD 21201. E-mail address: *Anna.M.Compton@usace.army.mil* and phone number: 410–962–4633. Please include your name and address in your message.

SUPPLEMENTARY INFORMATION:

1. The Baltimore District previously published a NOI (69 FR 68887) for the Chesapeake Bay Native Oyster Recovery study on November 26, 2004. That NOI indicated that the Baltimore District would prepare a Draft EIS for native oyster (*Crassostrea virginica*) recovery activities within Maryland waters of the Chesapeake Bay. A second NOI (71 FR 14857) was published for the Chesapeake Bay Native Oyster Recovery study on March 24, 2006. That NOI announced that the USACE Baltimore and Norfolk Districts would prepare a single, integrated NORMP and PEIS for native oyster recovery in the entire Chesapeake Bay.

2. To the fullest extent possible, the PEIS will be integrated with analyses and consultation required by the Fish and Wildlife Coordination Act of 1958, as amended; the National Historic Preservation Act of 1966, as amended; the Coastal Zone Management Act of 1972, as amended; the Endangered Species Act of 1973, as amended; the Marine Protection, Research and Sanctuaries Act of 1972, as amended; the Clean Water Act of 1977, as amended; and other applicable laws and regulations.

3. The NORMP/PEIS will be written in cooperation with the local sponsors, the Maryland Department of Natural Resources and Virginia Marine Resources Commission.

4. The NORMP/PEIS will incorporate science, policy, and experience from a number of sources to develop a comprehensive approach to oyster restoration in Maryland and Virginia. The purpose of the NORMP is to lay out a road map for a long-term, large-scale restoration of native oysters in the entire Chesapeake Bay. All suitable locations and techniques available for native oyster restoration will be identified and explored, and, if feasible, will be included in the NORMP/PEIS.

5. Previously performed oyster restoration activities by the Baltimore District include the: Creation of new oyster bars and rehabilitation of existing non-productive bars; construction of seed bars for production and collection of seed oysters or ''spat''; planting of hatchery produced and seed bar spat on new and rehabilitated bars; and monitoring of implemented projects.

6. Previously performed oyster restoration activities by the Norfolk District include: Construction of permanent oyster reef sanctuaries; seeding of reefs with disease resistant DEBY™ strain oysters; adaptive management and monitoring; and managed spat-on-shell production areas with oysters moved to other sites in the Bay as part of a genetic rehabilitation stocking effort. This work is being conducted under the authority provided by Section 704(b) of the Water Resources Development Act (WRDA) of 1986, as amended.

7. Additional public scoping meetings will not be held for the NORMP and PEIS. This decision was driven primarily by the fact that the lead agencies conducted public scoping meetings in Maryland on the NORMP and PEIS in 2005, prior to the decision to prepare an integrated Maryland-Virginia master plan. Also, during the 60-day public comment period following the publication of the Draft PEIS–ORCB (October 17–December 15, 2008), lead agencies coordinated a series of public meetings to receive comments on the document. This document included the alternative of expanding native oyster restoration, which received much public input; therefore, this input will adequately facilitate scoping for this phase of the National Environmental Policy Act (NEPA) document development and will satisfy 40 CFR 1501.7. The USACE will conduct public meetings during the Draft NORMP/PEIS 45-day coordination and public review process scheduled for early 2011, and will include interested parties throughout the development of the PEIS through informational meetings, Web site postings, and other means.

8. All interested federal, state, and local agencies, interested private and public organizations, affected Indian tribes, and individuals are invited to submit written comments concerning the NORMP/PEIS within 30 days of the date of this notice.

9. The anticipated date of publication of the draft PEIS is March 2011. The PEIS will be prepared in accordance with (1) NEPA of 1969, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), and (3) USACE Procedures for Implementing NEPA (33 CFR part 230).

Amy M. Guise,

Chief, Civil Project Development Branch.

[FR Doc. E9–22553 Filed 9–17–09; 8:45 am]

BILLING CODE 3710–KF–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of a Journal Bearing Analysis Suite Computer Modeling Code for Exclusive, Partially Exclusive, or Non-exclusive Licenses

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive or non-exclusive licenses relative to Journal Bearing Analysis Suite computer modeling code. See this link for a description of the suite and its capabilities: *http://www.grc.nasa.gov/WWW/SurfSci/JournalBearings/main-text.html.* Any license shall comply with 35 U.S.C. 209 and 37 CFR 404.

FOR FURTHER INFORMATION CONTACT: Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: AMSRD–ARL–DP–P/Bldg. 434, Aberdeen Proving Ground, MD 21005–5425, Telephone: (410) 278–5028.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–22552 Filed 9–17–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Estuary Habitat Restoration Council; Open Meeting

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 105(h) of the Estuary Restoration Act of 2000, as amended (Title I, Pub. L. 106–457), announcement is made of the forthcoming meeting of the Estuary Habitat Restoration Council. The meeting is open to the public.

DATES: The meeting will be held October 6, 2009, from 9 a.m. to 12 p.m.

ADDRESSES: The meeting will be in room 3M60/70 in the GAO building located at 441 G Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Cummings, Headquarters, U.S. Army Corps of Engineers, Washington, DC 20314–1000, (202) 761–4750.

SUPPLEMENTARY INFORMATION: The Estuary Habitat Restoration Council consists of representatives of five agencies. These agencies are the National Oceanic and Atmospheric Administration, Environmental Protection Agency, U.S. Fish and Wildlife Service, Department of Agriculture, and Army. The duties of the Council include, among others, soliciting, reviewing, and evaluating estuarine habitat restoration project proposals, and submitting to the Secretary of the Army a prioritized list of projects recommended for construction funding.

Agenda items will include an overview of the goals and requirements of the Act for the new Council members, election of the Council chairperson, decisions on recommending habitat restoration proposals to the Secretary of the Army for funding, discussion of revising the strategy published in 2002 and a brief review of monitoring requirements and the National Estuaries Restoration Inventory.

Security measures require that persons interested in attending the meeting must pre-register prior to 2 p.m. October 2, 2009. We cannot guarantee access for requests received after that time. To pre-register please contact Ellen Cummings by telephone or send an e-mail to *estuary.restoration@usace.army.mil.* When leaving a voice mail message or sending an e-mail please provide the name of the individual attending, the company or agency represented, and a telephone number, in case there are any questions. Visitors to the building must enter on the ''G'' Street side of the GAO building. All attendees are required to show photo identification and must be escorted to the meeting room by Corps personnel. Attendee's bags and other possessions are subject to being searched. All attendees arriving between one-half hour before and one-half hour after 9 a.m. will be escorted to the meeting. Those who are not pre-registered and/or arriving later than the allotted time will be unable to attend the public meeting.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–22550 Filed 9–17–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Hold an Open Meeting of the North Dakota River Task Force Established by the Missouri River Protection and Improvement Act of 2000 (Title VII)

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of meeting.

SUMMARY: The duties of the Task Force are to prepare and approve a plan for the use of the funds made available under Title VII to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion.

DATES: North Dakota Missouri River Task Force established by the Missouri River Protection and Improvement Act of 2000 will hold a meeting on October 15, 2009, from 11 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Best Western Doublewood Inn located at 1400 E Interchange Avenue in Bismarck, North Dakota.

FOR FURTHER INFORMATION CONTACT: Laura Bentley at (402) 995–2714.

SUPPLEMENTARY INFORMATION: The objectives of the Task Force are to prepare and approve a plan for the use of the funds made available under Title VII, develop and recommend to the Secretary of the Army ways to implement critical restoration projects meeting the goals of the plan, and determine if these projects primarily benefit the Federal Government.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force; however, statements and questions should be submitted in advance. For additional information, contact Laura Bentley, U.S. Army Corps of Engineers, 1616 Capitol Avenue, Omaha, NE 68102–1618, 402–995–2714.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–22551 Filed 9–17–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U. S. C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U. S. C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.140 through 160), the Department of the Army announces the following committee meeting:

Name of Committee: U.S. Army Command & General Staff College Subcommittee.

Date: October 27–28, 2009.

Place: US Army Command and General Staff College, Ft. Leavenworth, KS, Lewis & Clark Center, 66027.

Time: 8:30 a.m. to 4 p.m. (October 27, 2009). 8:30 a.m. to 12 p. m. (October 28, 2009).

Proposed Agenda: Starting point of the meeting will be an overview of the CGSC, as well as its constituent schools, the Command and General Staff School and the School of Advanced Military Studies. Subcommittee members will gather information from students, staff and faculty. General deliberations leading to provisional findings for referral to the Army Education Advisory Committee will follow on October 28, beginning at about 0900.

FOR FURTHER INFORMATION CONTACT: For information, please contact Dr. Robert Baumann at *robert.f.baumann@us.army.mil*. Written submissions are to be submitted to the following address: U.S. Army Command and General Staff College Subcommittee, ATTN: Alternate Designated Federal Officer (Baumann), Lewis & Clark Center, U.S. Army Command and General Staff College, Ft. Leavenworth, KS 66027.

SUPPLEMENTARY INFORMATION: Meeting of the Advisory subcommittee is open to the public. Attendance will be limited to those persons who have notified the Advisory Subcommittee Management Office at least 10 calendar days prior to the meeting of their intention to attend.

Filing Written Statement: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak, however, interested persons may submit a written statement for consideration by the Subcommittees. Individuals submitting a written statement must submit their statement to the Alternate Designated Federal Officer (ADFO) at the address listed (see **FOR FURTHER INFORMATION CONTACT**). Written statements not received at least 10 calendar days prior to the meeting, may not be provided to or considered by the subcommittees until its next meeting.

The ADFO will review all timely submissions with the Chairperson, and ensure they are provided to the members of the respective subcommittee before the meeting. After reviewing written comments, the Chairperson and the ADFO may choose to invite the submitter of the comments to orally present their issue during open portion of this meeting or at a future meeting.

The ADFO, in consultation with the Chairperson, may allot a specific amount of time for the members of the public to present their issues for review and discussion.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–22555 Filed 9–17–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application Concerning Novel Use and Method of Rapamycin To Treat Toxic Shock

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/045,184 entitled ''Novel Use and Method of Rapamycin to Treat Toxic Shock,'' filed August 5, 2009. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to the use of Rapamycin as a treatment of toxic shock

induced by staphylococcal exotoxins; more specifically, staphylococcal enterotoxins that are potent activators for human T cells and can cause lethal shock.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9–22554 Filed 9–17–09; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Secretary of Education requests comments on the Student Aid Report (SAR) that the Secretary proposes to use for the 2010–2011 award year. The SAR is used to notify Free Application for Federal Student Aid (FAFSA) applicants of their eligibility to receive Federal student aid under the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, and to provide an opportunity for applicants to correct or update the information they provided on their FAFSA.

DATES: Interested persons are invited to submit comments on or before November 17, 2009.

ADDRESSES: Comments may be submitted electronically through e-mail to *mailto:SAR.Comments@ed.gov*. Requests for copies of the proposed information collection requests may be accessed from *http://edicsweb.ed.gov* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4130. 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. In addition, interested persons can access this document on the Internet:

(1) Go to IFAP at *http://ifap.ed.gov*.

(2) Scroll to ''Processing Resources''.

(3) Click on ''FAFSA and SAR Materials''.

(4) Under ''By Award Year Click on 2010–2011''.

(5) Click on 2009–xx–xx–''Draft 2010–2011 Student Aid Report (SAR) and SAR Acknowledgement has been posted to the **Federal Register** and is available for Public Comment''.

Please note that the free Adobe Acrobat Reader software, version 4.0 or greater, is necessary to view this file. This software can be downloaded for free from Adobe's Web site: *http://www.adobe.com*.

FOR FURTHER INFORMATION CONTACT: Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Secretary is publishing this request for comment under the Provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* Under that Act, ED must obtain the review and approval of the Office of Management and Budget (OMB) before it may use a form to collect information. However, under procedures for obtaining approval from OMB, ED must first obtain public comment of the proposed form, and, to obtain that comment, ED must publish this notice in the **Federal Register**.

In addition to the comments requested above, to accommodate the requirements of the Paperwork Reduction Act, the Secretary is interested in receiving comments with regard to the following matters: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 15, 2009.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.
Title: Student Aid Report (SAR).
Frequency: Annually.
Affected Public: Individuals.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 21,696,675.
Burden Hours: 6,993,273.

Abstract: The SAR is used to notify Free Application for Federal Student Aid (FAFSA) applicants of their eligibility to receive Federal student aid under the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, and to provide an opportunity for applicants to correct or update the information they provided on their FAFSA.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 4130. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to (202) 401–0920. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to the e-mail address *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 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

[FR Doc. E9–22544 Filed 9–17–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 19, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its

statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 15, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Indian Education Professional Development Grants Program: GPRA and Service Payback Data Collection.

Frequency: Semi-Annually.

Affected Public: Individuals; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 2,076.

Burden Hours: 8,580.

Abstract: The Office of Indian Education Professional Development (OIE PD) Grants program wishes to implement (1) A Semi-Annual Participant Report (SAPR), (2) a Participant Follow-Up Protocol, and (3) an Employment Verification survey. OIE PD grantees will submit participant contact and project service information on the SAPR twice a year. The OIE PD Grants program staff will use the Participant Follow-Up Protocol to collect employment and continuing education information from IE PD participants who are not in an approved and active deferment once they have exited the program. IE PD participants will initiate contact with IE PD staff within 6 months of exiting the PD program and every 6 months thereafter for the length of their service payback period to report their employment and continuing education information. IE PD participants working in a local educational agency enrolling 5 percent or more of American Indian/Alaska Native students will give the Employment Verification form to their principal or LEA representative to complete. The OIE PD grants program participants will submit employment verification forms to employers, starting upon employment and continuing every 6 months thereafter. The information collected through the SAPR, the Participant Follow-Up Protocol, and the Employment Verification Form is necessary to (1) Assess the performance of the IE PD program on its Government Performance Results Act (GPRA) measures, (2) determine if IE PD participants are fulfilling the terms of their service payback requirements, and (3) provide project-monitoring and compliance information to IE PD Grants program staff.

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 4082. 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. E9–22546 Filed 9–17–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 19, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to *oira_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 15, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Early Reading First: Grant Performance Report.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Federal Government; Not-for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 135.

Burden Hours: 3,005.

Abstract: In accordance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended, Title I, Part B, Subpart 2, Early Reading First (ERF), section 1225 states that each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Each report shall include, at a minimum, a

description of: (1) The research-based instruction, materials, and activities being used in the programs funded under the grant; and (2) the type of ongoing professional development provided to staff.

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 4086. 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. E9–22543 Filed 9–17–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Committee on Measures of Student Success

AGENCY: National Center for Education Statistics, Department of Education.

ACTION: Request for nominations to serve on the Committee on Measures of Student Success.

SUMMARY: At this time, the Secretary of Education invites interested parties to submit nominations for individuals to serve on the Committee on Measures of Student Success.

SUPPLEMENTARY INFORMATION: As mandated by section 485(a)(7)(B) of the Higher Education Act of 1965, as amended by section 488(a)(3)(B) of the Higher Education Opportunity Act (HEOA) (20 U.S.C. 1092(a)(7)(B)), the U.S. Department of Education shall establish the Committee on Measures of Student Success (the Committee). The Committee shall consist of 15 members including representatives from diverse institutions of higher education, experts in the field of higher education policy, State higher education officials, students, and other stakeholders from the higher education community. Committee members will be appointed by the Secretary of Education in consultation with the Commissioner of Education Statistics. The purpose of the Committee will be to develop recommendations for the Secretary of Education regarding: (1) The accurate calculation and reporting of completion or graduation rates of entering certificate- or degree-seeking, full-time, undergraduate students by two-year degree-granting institutions of higher education; (2) additional or alternative measures of student success that are comparable alternatives to the completion or graduation rates of entering degree-seeking full-time undergraduate students, taking into account the mission and role of two-year degree-granting higher education institutions. These recommendations shall be provided to the Secretary no later than 18 months after the first meeting of the Committee.

Nomination Process: Any interested person or organization may nominate one or more qualified individuals for membership. If you would like to nominate an individual or yourself for appointment to the Committee, please submit the following information to the U.S. Department of Education's (the Department's) White House Liaison Office.

- A copy of the nominee's résumé;
- A cover letter that provides your reason(s) for nominating the individual; and
- Contact information for the nominee (name, title, business address, business phone, fax number, and business e-mail address).

In addition, the cover letter must state that the nominee (if nominating someone other than yourself) has agreed to be nominated and is willing to serve on the Committee. Nominees will be appointed based on technical qualifications, professional experience, and demonstrated knowledge of issues related to higher education student success, particularly at two-year institutions, Federal student aid programs, and institutional or State postsecondary longitudinal data systems.

DATES: Nominations for individuals to serve on the Committee on Measures of Student Success must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) by October 19, 2009.

ADDRESSES: You may submit nominations, including attachments, by any of the following methods:

- *Electronically:* Send to: *WhiteHouseLiaison@ed.gov* (specify in the e-mail subject line, ''CMSS Nomination'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Education, White House Liaison Office, 400 Maryland Avenue, SW., Room 7C109, Washington, DC 20202. Attn: Karen Akins.

For questions, contact Karen Akins, White House Liaison Office at (202) 401–3677, fax (202) 205–0723, or via e-mail at *WhiteHouseLiaison@ed.gov*.

Dated: September 9, 2009.

Arne Duncan,

Secretary of Education.

[FR Doc. E9–22522 Filed 9–17–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education

AGENCY: U.S. Department of Education, Office of Postsecondary Education.

ACTION: Request for nominations to serve on the National Board of the Fund for the Improvement of Postsecondary Education (FIPSE).

SUMMARY: At this time, the Secretary of Education invites interested parties to submit nominations for individuals to serve on FIPSE's Board.

SUPPLEMENTARY INFORMATION: Section 742 of the Higher Education Act of 1965, as amended [20 U.S.C. 1138a], establishes the National Board of the Fund for the Improvement of Postsecondary Education. The Board consists of 15 members appointed by the Secretary of Education. A majority (maximum of eight) of the members of the Board shall consist of public interest representatives, including students, and a minority (maximum of seven) shall consist of educational representatives. At least one of the members must be a student at the time of appointment. Board members are appointed for overlapping 3-year terms. The Board advises the Secretary and, by delegation, the Assistant Secretary of the Office of Postsecondary Education on priorities for the improvement of postsecondary education and the evaluation, dissemination, and adaptation of improvements in postsecondary educational practice. The Board also advises the Secretary on the operation of FIPSE, including providing advice on planning documents, guidelines, and procedures for grant competitions prepared by FIPSE.

Nomination Process: Any interested person or organization may nominate

one or more qualified individuals for membership. If you would like to nominate an individual or yourself for appointment to the Board, please submit the following information to the U.S. Department of Education's White House Liaison Office:

- A copy of the nominee's résumé;
- A cover letter that provides your reason(s) for nominating the individual; and
- Contact information for the nominee (name, title, business address, business phone, fax number, and business e-mail address).

In addition, the cover letter must state that the nominee (if nominating someone other than yourself) has agreed to be nominated and is willing to serve on the Board. Nominees will be appointed based on technical qualifications and professional experience. An individual who has previously served on the Board for six consecutive years may not be reappointed for two years after the expiration of the sixth year of service.

DATES: Nominations for the Board must be submitted (postmarked, if sending by mail; received electronically; or received, if hand delivered) by October 19, 2009.

ADDRESSES: You may submit nominations, including attachments, by any of the following methods:

- *Electronically:* Send to: *WhiteHouseLiaison@ed.gov* (specify in the e-mail subject line, ''FIPSE Nomination''); or
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Education, White House Liaison Office, 400 Maryland Avenue, SW., Room 7C109, Washington, DC 20202. Attn: Karen Akins.

For questions, contact Karen Akins, White House Liaison Office, at (202) 401–3677; fax (202) 205–0723, or via e-mail at *WhiteHouseLiaison@ed.gov*.

Dated: September 14, 2009.

Arne Duncan,

Secretary of Education.

[FR Doc. E9–22524 Filed 9–17–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation

AGENCY: U.S. Department of Education, Office of Postsecondary Education.

ACTION: Request for nominations to serve on the National Committee on Foreign Medical Education and Accreditation (NCFMEA).

SUMMARY: At this time, the Secretary of Education invites interested parties to submit nominations for individuals to serve on the National Committee on Foreign Medical Education and Accreditation (NCFMEA).

SUPPLEMENTARY INFORMATION: The NCFMEA is authorized by the Higher Education Act as amended (HEA) [20 U.S.C. 1002(a)(2)(B)]. The Committee shall consist of 11 members appointed by the Secretary of Education, one of whom shall be a student at the time of appointment, enrolled in an accredited medical school. Upon request from a foreign country, the NCFMEA evaluates the standards of accreditation applied to applicant foreign medical schools in that country and determines the comparability of these standards to standards for accreditation applied to medical schools in the United States. Medical schools located in foreign countries that lack an NCFMEA finding of comparability of their accrediting standards are not eligible to have their U.S. students receive Federal student aid funds under Title IV of the HEA.

Nomination Process: Any interested person or organization may nominate one or more qualified individuals for membership. If you would like to nominate an individual or yourself for appointment to the NCFMEA, please submit the following information to the U.S. Department of Education's White House Liaison Office:

- A copy of the nominee's résumé;
- A cover letter that provides your reason(s) for nominating the individual; and
- Contact information for the nominee (name, title, business address, business phone, fax number, and business e-mail address).

In addition, the cover letter must state that the nominee (if you are nominating someone other than yourself) has agreed to be nominated and is willing to serve on the Committee. Nominees should be respected in the educational community and representative of relevant constituencies, and will be appointed based on technical qualifications, professional experience, and a demonstrated broad knowledge of [foreign] medical school education and accreditation.

DATES: Nominations for the NCFMEA must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) by October 19, 2009.

ADDRESSES: You may submit nominations, including attachments, by any of the following methods:

- *Electronically:* Send to: *WhiteHouseLiaison@ed.gov* (specify in the e-mail subject line, ''NCFMEA Nomination'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Education, White House Liaison Office, 400 Maryland Avenue, SW., Room 7C109, Washington, DC 20202. Attn: Karen Akins.

For questions, contact Karen Akins, White House Liaison Office, at (202) 401–3677; fax (202) 205–0723, or via e-mail at *WhiteHouseLiaison@ed.gov*.

Dated: September 14, 2009.

Arne Duncan,

Secretary of Education.

[FR Doc. E9–22518 Filed 9–17–09; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting roundtable discussion.

DATE & TIME: Tuesday, October 13, 2009, 9 a.m.–4 p.m. (EST).

PLACE: Kellogg Conference Center, Gallaudet University, 800 Florida Ave., NE., Washington, DC 20002. (202) 651–6000.

AGENDA: The Commission will host a roundtable discussion regarding research, development and implementation of technologies and other assistance to make voting more accessible. Panelists at the roundtable will help to inform the Commission regarding the types of research that should be supported through the Accessible Voting Technology Initiative (AVTI). The AVTI is a competitive grant program that will fund research and technology adoption to make voting systems (including paper ballots) more accessible to all voters and make the entire election process more welcoming and accessible to individuals with disabilities. Competitive grants for this initiative will be issued under the Help America Vote Act of 2002 and funded by the Omnibus Appropriations Act for Fiscal Year 2009 (Pub. L. 111–8). The Commission is currently accepting comments on the plan for development of a notice of funding announcement here: *http://www.eac.gov/program-*

areas/grants/eac-seeks-input-on-voting-system-verification-and-technology-grants.

Members of the public may observe but not participate in EAC meetings unless this notice provides otherwise. Members of the public may use small electronic audio recording devices to record the proceedings. The use of other recording equipment and cameras requires advance notice to and coordination with the Commission's Communications Office.*

*View EAC Regulations Implementing Government in the Sunshine Act.

This meeting will be open to the public.

PERSON TO CONTACT FOR INFORMATION: Mark Abbott, Telephone: (202) 566–3100.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. E9–22657 Filed 9–16–09; 4:15 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13457–000; Project No. 13458–000]

Three Rivers Park District; BOSTI Hydroelectric LLC; Notice of Competing Preliminary Permit Applications Accepted for Filing and Soliciting Comments, and Motions To Intervene

September 10, 2009.

Three Rivers Park District and the BOSTI Hydroelectric LLC filed applications, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Coon Rapids Dam Project, to be located at the existing Coon Rapids Dam owned by the Three Rivers Park District located on the Mississippi River in Hennepin and Anoka Counties, Minnesota.

Descriptions of the proposed Coon Rapids Dam Projects:

Three Rivers Park District's Project No. 13457–000 application was filed on May 1, 2009. The project would consist of: (1) The existing 1,455-foot-long, 30.8 foot-high Coon Rapids Dam; (2) a proposed powerhouse containing two generating units having a total installed capacity of 7.2 MW; and (3) a proposed 600-foot-long, 4.16 kilovolt (kV) transmission line. The proposed project would have an average annual generation of 44.26 gigawatt-hours, which would be sold to Xcel Energy.

BOSTI Hydroelectric LLC's Project No. 13458–000 application was filed on May 1, 2009. The project would consist of: (1) The existing 1,455-foot-long, 30.8 foot-high Coon Rapids Dam; (2) a proposed powerhouse containing two generating units having a total installed capacity of 8.0 MW; and (3) a proposed 200-foot-long, 4.16 kV transmission line. The proposed project would have an average annual generation of 45.0 gigawatt-hours, which would be sold to Xcel Energy.

Applicants Contact: For Three Rivers Park District: Ms. Margaret Walz, Associate Superintendent, Three Rivers Park District, 3000 Xenium Lane N, Plymouth, MN 55441; phone (763) 559–9000. For the BOSTI Hydroelectric LLC: Mr. Douglas A. Spaulding, BOSTI Hydroelectric LLC, C/O Nelson Energy, 8441 Wayzata Blvd., Suite 101, Golden Valley, MN 55426; phone (952) 544–8133.

FERC Contact: Michael Spencer, (202) 502–6093.

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 ''eFiling'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp*. More information about this project can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–13457–000, or 13458–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22469 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–460–000; PF09–9–000]

ETC Tiger Pipeline, LLC; Notice of Application

September 10, 2009.

Take notice that on August 31, 2009, ETC Tiger Pipeline, LLC (ETC Tiger), 711 Louisiana Street, Suite 900, Houston, Texas 77002, filed an application in Docket No. CP09–460–000 pursuant to section 7(c) of the Natural Gas Act (NGA), and Parts 157 and 284 of the Commission's regulations requesting: (1) Authorization to construct and operate a new approximately 175-mile, 42-inch natural gas pipeline located in Texas and Louisiana capable of transporting up to 2,000,000 Dth/day; (2) a blanket certificate authorizing ETC Tiger to engage in certain self-implementing routine activities under, Part 157, Subpart F, of the Commission's regulations; and (3) a blanket certificate authorizing ETC Tiger to transport natural gas, on an open access and self-implementing basis, under Part 284, Subpart G of the Commission's regulations. Additionally, ETC Tiger seeks approval of its proposed interim period rates and initial recourse rates, and *pro forma* tariff, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any questions regarding the applications should be directed to Joey Mahmoud, Energy Transfer Partners, L.P., 711 Louisiana Street, Suite 900, Houston, Texas 77002, 832–668–1242, *Joey.Mahmoud@energytransfer partners.com* or Lisa M. Tonery, Fulbright & Jaworski L.L.P., 666 Fifth Avenue, New York, New York 10103, 212–318–3009, *ltonery@fulbright.com.*

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site Web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@gerc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

On March 27, 2009, the Commission staff granted ETC Tiger's request to utilize the Pre-Filing Process and assigned Docket No. PF09–9 to staff activities involved with the ETC Tiger project. Now as of the filing the August 31, 2009 application, the Pre-Filing

Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP09–460–000, as noted in the caption of this Notice.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: October 1, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22465 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13560–000]

Sierra Energy Company; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 10, 2009.

On July 23, 2009, and revised on August 27, 2009, Sierra Energy 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 North Unit Diversion Dam Project, located on the Deschutes River in Deschutes County, 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 North Unit Diversion Dam; and would consist of the following new facilities: (1) A diversion structure approximately 100-foot-long, 15-foot-wide, and 6-foot-deep; (2) an 8- to 10-foot-diameter, 150-foot-long penstock; (3) a powerhouse containing two generating units having an installed capacity of 1.8 megawatts; (4) a 500-foot-long, 21-kilovolt transmission line; and (5) appurtenant facilities. The proposed project would have an average annual generation of 7.2 gigawatt-hours.

Applicant Contact: Bradley Reeves, Sierra Energy Company, P.O. Box 4313, Auburn, CA 95604; phone: (530) 367–4156.

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–13560) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22470 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–75–000]

Buckeye Power, Inc., Complainant v. Midwest Independent Transmission System Operator, Inc., Respondent; Notice of Complaint

September 11, 2009.

Take notice that on September 10, 2009, Buckeye Power, Inc. (Buckeye) filed a formal complaint against the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) pursuant to section 306 of the Federal Power Act and Rule 206 of the Commission's Rules of Practice and Procedure. Buckeye alleges in the complaint that it should be able to continue to receive certain ancillary services under the open access transmission tariff of PJM Interconnection, LLC (PJM) for a portion of Buckeye's electric cooperative member load that is located within the Midwest ISO boundaries, rather than being compelled to receive such services from the Midwest ISO under its open access transmission, energy and operating reserve market tariff.

Buckeye certifies that copies of the complaint were served on the Midwest ISO and PJM.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 1, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22476 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

September 10, 2009.

EC&R Papalote Creek I, LLC	EG09–39–000
Stony Creek Wind Farm, LLC	EG09–40–000
Conectiv Vineland Solar, LLC	EG09–41–000
Astoria Energy II LLC	EG09–42–000
Hoosier Wind Project, L.L.C	EG09–43–000
Lost Lakes Wind Farm LLC	EG09–44–000
Blue Canyon Windpower V LLC	EG09–45–000
Lost Creek Wind, LLC	EG09–46–000
Meadow Lake Wind Farm LLC	EG09–47–000
Meadow Lake Wind Farm II LLC	EG09–48–000
Blackstone Wind Farm, LLC	EG09–49–000
AES Armenia Mountain Wind, LLC	EG09–50–000
Northern Colorado Wind Energy, LLC	EG09–51–000
Escondido Energy Center, LLC	EG09–52–000
Chula Vista Energy Center, LLC	EG09–53–000
Northwest Wind Partners, LLC	EG09–54–000
GenConn Middletown LLC	EG09–55–000
GenConn Devon LLC	EG09–56–000
NaturEner Glacier Wind Energy 2, LLC	EG09–57–000
NaturEner Montana Wind Energy 2, LLC	EG09–58–000
Horse Hollow Generation Tie, LLC	EG09–59–000
Grand Ridge Energy LLC	EG09–60–000
Grand Ridge Energy II LLC	EG09–61–000
Grand Ridge Energy III LLC	EG09–62–000
Grand Ridge Energy IV LLC	EG09–63–000
Grand Ridge Energy V LLC	EG09–64–000
Streator-Cayuga Ridge Wind Power, LLC	EG09–66–000
Wilton Wind II, LLC	EG09–67–000
Orange Grove Energy, L.P	EG09–68–000

Take notice that during the month of July/August, 2009, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations 18 CFR 366.7(a).

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22468 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–68–000]

Texas Eastern Transmission, LP; Notice of Availability of the Environmental Assessment for the Proposed TEMAX and TIME III Projects

September 11, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Texas Eastern Transmission, LP (Texas Eastern) in the above-referenced docket.

The U.S. Army Corps of Engineers (USACE) and Pennsylvania Department of Conservation and Natural Resources participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The projects would require a permit from the USACE pursuant to section 404 of the Clean Water Act (33 United States Code 1344).

The EA assesses the potential environmental affects resulting from two distinct projects known as the Texas Eastern Market Area Crossing (TEMAX) and Texas Eastern Incremental Market Area Expansion III (TIME III) Projects, in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that approval of the proposed projects, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

These projects consist of replacement of 25.9 miles of various diameter pipeline, construction of 9.6 miles of loop,[1] use of 0.8 mile of existing pipeline, and construction of 26.5 miles of new pipeline lateral. In addition, Texas Eastern requests authorization to add 85,633 horsepower (hp) of compression at four existing compressor stations and abandon 9,500 hp of compression at one compressor station, resulting in a net increase of 76,133 hp of compression for the projects. Texas Eastern also requests authorization to uprate the maximum allowable operating pressure of its existing Lines 1 and 2 from 1,000 to 1,112 pounds per square inch gauge for 268 miles between its Uniontown and Marietta Compressor Stations. The proposed facilities are located in Greene, Bedford, Franklin, Adams, Lancaster and York Counties, Pennsylvania.

The TEMAX Project would provide additional natural gas transportation capacity of 395,000 dekatherms per day (Dth/d) from a receipt point with the Rockies Express Pipeline LLC in Clarington, Ohio, to an interconnect with Transcontinental Gas Pipeline Company, LLC (Transco) in York County, Pennsylvania. The TIME III Project, would provide additional transportation capacity of 60,000 Dth/d from a receipt point in Oakford, Pennsylvania to the same interconnect with Transco.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426. (202) 502–8371.

Copies of the EA have been mailed to Federal, State, and local agencies; interested groups and individuals; local newspapers and libraries in the project areas; Native American groups; and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below.

You can make a difference by providing us with your specific comments or concerns about the TEMAX and TIME III Projects. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before October 13, 2009.

For your convenience, there are three methods in which you can use to submit your comments to the Commission. In all instances please reference the project's docket number CP09–68–000 with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on *''Sign up''* or *''eRegister.''* You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

If you choose the option to mail your comments, label one copy of the comments for the attention of the Gas Branch 1, PJ–11.1.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decisions.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding

[1] A pipeline ''loop'' is a segment of pipe installed adjacent and parallel to an existing pipeline system that is connected to the system at both ends. A loop allows more gas to be moved through that portion of the pipeline system or functions as a backup system.

[2] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion of filing comments electronically.

which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the projects is available from the Commission's Office of External Affairs at 1–866–208–FERC or on the FERC Internet Web site *(http://www.ferc.gov)* using the eLibrary link. Click on the eLibrary link, then on ''General Search'' and enter the docket number excluding the last three digits in the docket number field (*i.e.,* CP09–68). 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 on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription 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 notifications of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22477 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–40–000]

Southwest Power Pool, Inc.; Notice Pursuant to Section 206(b) of the Federal Power Act

September 11, 2009.

On March 19, 2009, pursuant to section 206 of the Federal Power Act (FPA),[1] the Commission instituted a proceeding in Docket No. EL09–40–000. *Southwest Power Pool, Inc.,* 126 FERC ¶ 61,243 (2009). The refund effective date for the proceeding instituted in Docket No. EL09–40–000 is March 27, 2009, the date of publication in the **Federal Register**[2] of notice of the Commission's action in this proceeding.

Under section 206 of the FPA, if no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to section 206, the Commission must state why it has failed to render a final decision. In that event the Commission must also provide its best estimate as to when it reasonably expects to make such a decision.

The Commission will be unable to render a final decision by the refund effective date because additional time is needed to analyze the issues. The Commission estimates that it will be able to issue a decision by December 31, 2009. This estimate is influenced by the complexity of the issues in the proceeding.

The Secretary of the Commission issues this notice pursuant to section 375.302(w) of the Commission's rules, 18 CFR 375.302(w) (2009).

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22474 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 824e (2006).

[2] 74 FR 13428 (2009).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–74–000]

Green Energy Express LLC ; Notice of Filing

September 11, 2009.

Take notice that on September 9, 2009, Green Energy Express LLC (Green Energy) filed a Petition for Declaratory Order requesting that the Commission approve certain rate incentives for Green Energy Transmission Line Project (Project). The Project includes a 70-mile double-circuit 500kV alternating current transmission line and a new 500 kilovolt/230 kV substation, as well as an advanced technology fast-acting phase shifter that will enable the transport of up to 2,000 megawatts of power from otherwise location-constrained renewable generation resources near and around the existing Eagle Mountain Substation in eastern Riverside County, California to load centers in Southern California.

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 9, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22475 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM06–16–000]

Mandatory Reliability Standards for the Bulk-Power System; Notice of Public Meeting

September 10, 2009.

Take notice that on September 22, 2009, the Commission Staff will hold a public meeting to present research conducted by the faculty of the University of Wisconsin-Madison, sponsored by the Commission, on Topological and Impedance Element Ranking (TIER) of the Bulk-Power System. Commission Staff will convene this meeting, beginning at 10 a.m. and ending at 12 noon (EDT), at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Office of Electric Reliability (OER) initiated this project to develop, for purposes of section 215 of the Federal Power Act, a methodology to aid in identifying and ranking the

elements of the Bulk-Power System in the United States. Specifically, OER staff is seeking: (1) Develop a process to distinguish those facilities that should not be considered part of the Bulk-Power System from those facilities that should be considered part of the Bulk-Power System; (2) identify the elements needed to operate each of the electric interconnections; and (3) rank the importance of those elements. This project may lead to a methodology that could be utilized in future proceedings to aid in refining the scope of what constitutes the Bulk-Power System subject to section 215 of the Federal Power Act.

The University of Wisconsin-Madison, in conjunction with OER staff, has developed and tested a mathematically-based model intended to reflect the physics of the Bulk-Power System. Dr. B. Lesieutre, Dr. C. DeMarco and Mr. D. Schwarting, faculty of the University of Wisconsin-Madison, will give the presentation.

The TIER report will be made available on the FERC Web calendar page for this event and on eLibrary when it is released. The Commission will accept comments on this report within 30 days after it is posted on the FERC Web site. An agenda and Power Point presentation will be posted on the FERC Web calendar page closer to the time of the presentation.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

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 the Calendar of Events at *http://www.ferc.gov* 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 Washington, DC area and via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at (703) 993–3100.

Transcripts of the presentation will be available immediately for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646).

For further technical information please contact Robert V. Snow at (202) 502–6716.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22471 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD09–8–000]

Transmission Planning Processes Under Order No. 890; Notice Announcing Panelists and Final Agenda for the September 21, 2009 Technical Conference in Philadelphia, PA

September 11, 2009.

On June 30, 2009, the Commission issued a notice (June 30 Notice) scheduling staff technical conferences to examine the transmission planning processes that are being conducted pursuant to Order No. 890.[1] As stated in the June 30 Notice, these technical conferences are intended to meet the Commission's commitment that its staff would conduct an assessment of the Order No. 890 transmission planning processes.

On August 3, 2009, the Commission issued a supplemental notice (August 3 Notice) with an agenda providing details on the topics that will be discussed on the panels at each of the three conferences as well as the topics panelists should be prepared to address. The August 3 Notice also reiterated that those wishing to participate as panelists should submit a request form describing the topic(s) they wish to address. In addition, those wishing to attend each conference were asked to complete a registration form. The August 3 Notice stated that a final notice with a list of the panelists for each conference would be issued in advance of the conferences. On August 7, 2009, the Commission issued an errata notice shortening the due date for all requests from those wishing to participate as a panelist at any of the three technical conferences to August 13, 2009.

The attached agenda contains the panelists chosen for the September 21, 2009 Philadelphia, Pennsylvania technical conference to be held at: Marriott Philadelphia Airport, One Arrivals Road, Philadelphia, PA 19153, (215) 492–9000.

Please note that the Philadelphia conference will begin at 8:30 a.m.

Additional panelists may be added prior to the date of the conference.

If they have not already done so, those that plan to attend the Philadelphia conference should submit the registration form, located at: *https://www.ferc.gov/whats-new/registration/trans-09-21-form.asp.*[2]

Panelists will provide introductory remarks to begin the discussion of each topic identified in the August 3 notice. The purpose of the introductory remarks is to introduce the topics of discussion, and Staff intends to facilitate a constructive dialogue among all the attendees involved in the planning process and will actively seek to incorporate input from non-panelists and audience members into that dialogue. We strongly encourage all attendees to actively participate in the conference.

For further information about this conference, please contact:

Zeny Magos, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8244. *zeny.magos@ferc.gov.*

John Yakobitis, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8512. *john.yakobitis@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22473 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

[1] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g,* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g,* Order No. 890–B, 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 126 FERC ¶ 61,228 (2009).

[2] The Philadelphia conference will address transmission planning for entities located within the Midwest Independent Transmission System Operator, Inc., PJM Interconnection, LLC, New York Independent System Operator, and ISO New England Inc. footprints, Mid-Continent Area Power Pool/MAPP Participants, and adjacent areas. In the event a transmission provider is uncertain as to which technical conference is the appropriate forum for discussion of its planning process, such transmission providers should contact Commission staff in advance to discuss the matter. Lastly, a comment date will be set at a later date allowing for the filing of post-conference comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

September 10, 2009.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requestor
Prohibited:		
1. CP09–6–000	9–10–09	Paul Sansone.[1]
CP09–7–000		
Exempt:		
1. CP09–6–000, *et al.*	9–9–09	Martha and Allen Neuringer.[2]
2. CP09–68–000	8–25–09	Hon. Todd Russell Platts.
3. P–13431–000	8–25–09	Hon. L. Scott Frantz.

[1] E-mail communication.

[2] One of seven e-mails sent to Commission staff from: Martha and Allen Neuringer, Debbie Thrall, Nick Engelfried, Dr. Greg Jacob, Pamela Mattson McDonald, Ellen L. Saunders, Mike and Jane Rees.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22464 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–462–000]

Tennessee Gas Pipeline Company; Notice of Request Under Blanket Authorization

September 10, 2009.

Take notice that on September 4, 2009, Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP09–462–000, a prior notice request pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to abandon in place two compressor units, located near Leeville, LaFourche Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, Tennessee proposes to abandon in place two 9,100 horsepower compressor units that have not been necessary to provide transportation services to Tennessee's customers for several years. Tennessee states that neither of the units have been used to provide transportation services since March 2004, principally due to recent declines in production.

Any questions regarding the application should be directed to Susan T. Halbach, Senior Counsel, Tennessee Gas Pipeline Company, 1001 Louisiana Street, Houston, Texas 77002, or call at (713) 420–5751 or (713) 420–1601 (facsimile) or Kathy Cash, Principal Analyst, Certificates & Regulatory Compliance, at (713) 420–3290 or (713) 420–1605 (facsimile).

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests,

and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22466 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–452–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

September 10, 2009.

Take notice that on August 5, 2009, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP09–452–000, a prior notice request pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to abandon certain minor underground natural gas storage facilities, located in Jefferson County, Pennsylvania, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, National Fuel proposes to plug and abandon one injection/withdrawal well, Well 4885 and to abandon the associated well line GW–4885, consisting of approximately 500 feet of 4-inch diameter pipeline, in the Galbraith Storage Field, located in Jefferson County, Pennsylvania. National Fuel states that the well is no longer useful due to poor injection performance and poor deliverability and needs to be reconditioned or plugged due to deterioration of the well casing. National Fuel declares that the well line will serve no purpose once the well is plugged and abandoned. National Fuel asserts that due to the poor performance of Well 4885, the proposed abandonment will not result in a material decrease in service to customers.

National Fuel states that due to inadvertence, a landowner notification letter was not sent out within three business days following the date that the docket number was assigned. National Fuel requests that the Commission issue a second notice to restart the 60-day protest period.

Any questions regarding the application should be directed to David W. Reitz, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221, or call at (716) 857–7949.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22472 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–6–000; Docket No. CP09–7–000]

LNG Development Company, LLC; Oregon Pipeline Company, LLC; Supplemental Notice of Onsite Environmental Review

September 10, 2009.

On September 15, 16, and 17, 2009, the Office of Energy Projects staff will be in Clackamas, Marion, Yamhill, Washington, Columbia and Clatsop Counties, Oregon to gather data related to the environmental analysis of the proposed Oregon LNG Terminal and Pipeline Project. Staff will examine specific locations along the proposed pipeline route variations filed by Oregon Pipeline Company on July 30, 2009, focusing on crossing locations of streams, wetlands, and riparian areas. Staff will also examine selected areas where the proposed Oregon LNG Pipeline and Palomar Pipeline routes would be parallel. This will assist staff in completing its comparative evaluation of environmental impacts of the two routes. Viewing of these areas is anticipated to be from public access points. In addition, staff will travel to the proposed LNG terminal site in Clatsop County, Oregon to evaluate issues regarding access to the LNG terminal and impacts on nearby industrial facilities.

All interested parties planning to attend must provide their own transportation. Those attending should meet at the following locations:

- *Tuesday, September 15, 2009 at 3 p.m. (PST)* meet at the Molalla Gate Station, 10405 South Barnards Road (between Dryland Road and Elisha Road), and Molalla, Oregon.
- *Wednesday, September 16, 2009 at 8 a.m. (PST)* meet at the Red Lion Hotel Parking Lot, 2535 NE Cumulus Ave, McMinnville, Oregon.
- *Thursday, September 17, 2009 at 8 a.m. (PST)* meet near the LNG terminal site entrance (intersection of Harbor Drive and King Avenue) in Warrenton, Oregon.

Please use the FERC's free eSubscription service to keep track of all formal issuances and submittals in these dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Information about specific onsite environmental reviews is posted on the Commission's calendar at *http://www.ferc.gov/EventCalendar/EventsList.aspx.* For additional information contact Office of External Affairs at 1–866–208–FERC (3372).

Kimberly D. Bose,

Secretary.

[FR Doc. E9–22467 Filed 9–17–09; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2009–0114; FRL–8959–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Questionnaire for Drinking Water Utilities Participating in Emerging Contaminant Sampling Program (New); EPA ICR No. 2346.01 OMB Control No. 2080—NEW

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 19, 2009.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–ORD–2009–0114, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail *ord.docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Research and Development Docket, Mail Code 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Susan T. Glassmeyer, Ph.D., Environmental Protection Agency, Office of Research and Development, National Exposure Research Laboratory, 26 W. Martin Luther King Dr, MS 564, Cincinnati, OH 45268; telephone number: 513–569–7526; fax number 513–569–7757; e-mail address: *glassmeyer.susan@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On April 8, 2009 (74 FR 15965), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received three comments during the comment period, which are addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–ORD–2009–0114, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Research and Development Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Research and Development Docket is 202–566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: Questionnaire for Drinking Water Utilities Participating in Emerging Contaminant Sampling Program (New).

ICR numbers: EPA ICR No. 2346.01, OMB Control No. 2080–NEW.

ICR Status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Improvements in analytical chemistry instrumentation have allowed scientists to detect trace amounts of chemicals that are commonly used in homes in the environment. These so-called ''emerging contaminants'' are chemicals, such as pharmaceuticals, personal care products, detergents and even endogenous hormones, which are either excreted from or washed off the body, and enter the wastewater treatment system. Wastewater treatment is not designed to specifically remove these chemicals, so a portion of the chemicals remain in wastewater treatment plant (WWTP) effluents. WWTP effluents are commonly released into surface waters. Natural processes such as photolysis, sorption, volatilization, degradation, and simple dilution further attenuate the concentrations of emerging contaminants. However, if a Drinking Water Treatment Plant (DWTP) intake is located downstream of a WWTP effluent outfall, there is a potential for these chemicals to be present in finished drinking water.

The USEPA's Office of Research and Development, in collaboration with the U.S. Geological Survey (USGS), is conducting a sampling program at up to 50 DWTPs to determine the presence of these emerging contaminants in both the source water and finished drinking water. To better interpret the results of the sampling program, detailed information concerning the operation of the DWTP at the time of sampling is required. This information can only be gathered through a questionnaire that is completed concurrent to the collection event. The questionnaire will collect information on the following:

- The population served by the DWTP;
- The source water, potential sources of pollution and current hydraulic conditions;
- Detailed treatment steps used by the DWTP, including parameters such as pumpage at sampling, disinfectants used, and distribution system information;
- Detailed water quality parameters at the time of sampling.

The DWTPs involved in this project will ship samples of their source water and finished water to the USEPA and USGS laboratories. All sampling supplies and paid shipping vouchers will be provided to the DWTPs. The samples will be analyzed by the USEPA and USGS for a suite of approximately 200 emerging chemical and microbial contaminants. A detailed listing of the analytes, as well as the methods to be used can be found in public docket for this ICR under Docket ID No. EPA–HQ–ORD–2009–0114.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 20 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Drinking Water Treatment Plants (DWTPs) participating in a EPA/USGS sampling program.

Estimated Number of Respondents: 50.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 1,000.

Estimated Total Annual Cost: $29,735, includes $250 annualized capital or O&M costs.

Changes in the Estimates: Because this is a new ICR, there is no burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: September 15, 2009.

John Moses,

Director, Collection Strategies Division.

[FR Doc. E9–22569 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8597–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7146. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated July 17, 2009 (74 FR 34754).

Draft EISs

EIS No. 20090229, ERP No. D–NPS–E65084–FL, Big Cypress National Preserve Addition, General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan, Implementation, Collier County, FL.

Summary: EPA expressed environmental concerns about surface water and wetland impacts, and recommended that the final EIS include a cumulative impact analysis for the entire Big Cypress National Preserve. Rating EC2.

EIS No. 20090246, ERP No. D–AFS–K65376–CA, Eddy Gulch Late-Successional Reserve Fuels/Habitat Protection Project, To Protect Late-Successional Habitat used by the Northern Spotted Owl and Other Late-Successional-Dependent Species, Salmon River and Scott River Ranger District, Klamath National Forest, Siskiyou County, CA.

Summary: EPA requested additional information regarding a smoke management plan, worker exposure to naturally occurring asbestos, the Wildland-Urban Interface (WUI), and noxious weeds. Rating EC2.

Final EISs

EIS No. 20090284, ERP No. F–ARD–L65578–WA, Adoption—White Pass Expansion Master Development Plan, Implementation, Naches Ranger District, Okanogan-Wenatchee National Forests and Cowlitz Valley Ranger District, Gifford Pinchot National Forest, Yakima and Lewis Counties, WA.

Summary: No formal comment letter was sent to the preparing agency.

Dated: September 15, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–22529 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8597–4]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 09/07/2009 Through 09/11/2009

Pursuant to 40 CFR 1506.9.

EIS No. 20090320, Draft EIS, AFS, OR, EXF Thinning, Fuel Reduction, and Research Project, Proposal for Vegetation Management and Fuel Reduction within the Lookout Mountain Unit of the Pringle Falls Experimental Forest, Bend/Ft. Rock Ranger District, Deschutes National Forest, Deschutes County, OR, Comment Period Ends: 11/02/2009, Contact: Beth Peer 541–383–4769.

EIS No. 20090321, Final EIS, SFW, AK, Kenai National Wildlife Refuge Draft Revised Comprehensive Conservation Plan, Implementation, AK, Wait Period Ends: 10/19/2009, Contact: Peter Wikoff 907–786–3357.

EIS No. 20090322, Final EIS, AFS, ID, Salmon-Challis National Forest (SCNF), Proposes Travel Planning and OHV Route Designation, Lemhi, Custer and Butte Counties, ID, Wait Period Ends: 10/19/2009, Contact: Karen Gallogly 208–756–5103.

EIS No. 20090323, Draft EIS, FHW, NV, I–15 Corridor Improvement and Local Arterial Improvements Project, Collectively Known as Project NEON, To Improve the Safety and Travel Efficiency in the I–15 Corridor, City of Las Vegas, Clark County, NV, Comment Period Ends: 11/06/2009, Contact: Abdelmoez Abdalla 775–687–1204.

Amended Notices

EIS No. 20090225, Draft EIS, AFS, ND, North Billings County Allotment Management Plan Revisions, Proposes to Continue to Permit Livestock Grazing on 43 Allotments, Medora Ranger District, Dakota Prairie Grasslands, Billings County, ND, Comment Period Ends: 10/13/2009, Contact: Jeff Adams 701–227–7800. Revision to FR Notice Published 07/10/2009: Extending Comment Period from 08/24/2009 to 10/10/2009.

EIS No. 20090309, Final EIS, FTA, CO, East Corridor Project, Proposes Commuter Rail Transit from downtown Denver to International Airport (DIA), Denver, Adams, Arapahoe, Jefferson and Douglas Counties, CO, Wait Period Ends: 10/05/2009, Contact: David Beckhouse 720–963–3306. Revision to FR Notice Published 09/04/2009: Correction to the State from MO to CO.

EIS No. 20090316, Final EIS, FAA, 00, PROGRAMMATIC—Streamlining the Processing of Experimental Permit Applications, Issuing Experimental Permits for the Launch and Reentry of Useable Suborbital Rockets, Wait Period Ends: 10/13/2009, Contact: Daniel Czelusniak 202–267–5924. Revision to FR Notice Published

09/11/2009: Correction to Federal Agency from FTA to FAA.

EIS No. 20090318, Draft EIS, USA, WA, Fort Lewis Army Growth and Force Structures Realignment, Implementation, Fort Lewis and Yakima Training Center, Kittitas, Pierce, Thurston and Yakima Counties, WA, Comment Period Ends: 10/26/2009, Contact: B. Van Hoesen 253–966–1780. Revision to FR Notice Published 09/11/2009: Correction to Title.

Dated: September 15, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–22530 Filed 9–17–09; 8:45 am]

BILLING CODE 6560–50–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 October 5, 2009.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. Jay Sidhu, Mohnton, Pennsylvania; to acquire voting shares of New Century Bank, Phoenixville, Pennsylvania.

B. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. Astrid Salim, Singapore, and Axton Salim, Jakarta, Indonesia; to individually acquire voting shares of GBC Holdings, Inc., and thereby indirectly acquire voting shares of GBC International Bank, both of Los Angeles, California.

Board of Governors of the Federal Reserve System, September 15, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–22489 Filed 9–17–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0169; 30-day notice]

Agency Information Collection Request. 30–Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Extension)—OMB No. 0990–0169—Office of Grants, ASRT, OS.

Abstract: The information collection is for pre-award, post-award, and subsequent reporting and recordkeeping requirements for grants and cooperative agreements. The information collected is necessary to award, monitor, close out and manage grant programs, ensure minimum fiscal control and accountability for Federal funds and deter fraud, waste, and abuse. HHS needs this information to meet its Federal stewardship responsibilities. The authorization for the collection of information is under the Department of Health and Human Services regulation 45 CFR part 92, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.'' The requested extension is for 3 years. Respondents are State, local and tribal governments.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State, Local and Tribal Governments	4,000	1	70	280,000

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E9–22563 Filed 9–17–09; 8:45 am]

BILLING CODE 4150–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–; 30-day notice]

Agency Information Collection Request: 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collection within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Multidisciplinary Health Care Models for Women Sustainability Assessment Survey—OMB No. 0990–NEW–Office of the Secretary/Office on Women's Health (OWH).

Abstract: The goal of this assessment is to identify and measure the key components of sustainability of federally funded programs. Specifically, this assessment will examine the extent to which organizations previously funded under OWH's Multidisciplinary Health Care Models for Women (MHMW) effort have sustained or enhanced the core components of the program after OWH funding ended, and identify factors that have facilitated or inhibited sustainability at MHMW program sites.

This assessment is designed to collect data from 48 MHMW program sites through four methods: (1) Abstraction of administrative data from grant and contract documents to establish a baseline understanding of each site, (2) a Web-based survey of key program staff at each site to determine the extent to which the five core components were implemented, (3) key informant interviews with core program staff, and/or other types of staff as necessary, to better understand the factors that influenced implementation and sustainability, and (4) in-person visits to 12 sites to collect in-depth information from additional types of staff, community partners, and clients. OWH is seeking approval from the Office of Management and Budget (OMB) for the Web-based survey and the key informant interviews.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden hours
Key Site Staff	Web-based survey (Attachment A)	48	1	95/60	76
Site Staff and Community Partners	Telephone Interview (Attachment B)	48	1	90/60	72
Total					148

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E9–22564 Filed 9–17–09; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–588]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Electronic Funds Transfer Authorization Agreement; *Use:* Section 1815(a) of the Social Security Act provides the authority for the Secretary of Health and Human Services to pay providers/suppliers of Medicare services at such time or times as the Secretary determines appropriate (but no less frequently than monthly). Under Medicare, CMS, acting for the Secretary, contracts with Fiscal Intermediaries and Carriers to pay claims submitted by providers/suppliers who furnish services to Medicare beneficiaries. Under CMS' payment policy, Medicare providers/suppliers have the option of receiving payments electronically. Form number CMS–588 authorizes the use of electronic fund transfers (EFTs). *Form Number:* CMS–588 (OMB#: 0938–0626); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profit and Not-for-profit institutions;

Number of Respondents: 100,000; *Total Annual Responses:* 100,000; *Total Annual Hours:* 100,000. (For policy questions regarding this collection contact Kim McPhillips at 410–786–5374. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site at *http://www.cms.hhs.gov/PaperworkReductionActof1995*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways November 17, 2009:

1. *Electronically*. You may submit your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail*. You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 11, 2009.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E9–22561 Filed 9–17–09; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Division of Extramural Research and Training; Submission for OMB Review; Comment Request; Hazardous Waste Worker Training—42 CFR Part 65

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 14, 2009, pages 17195–17196, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995 unless it displays a currently valid OMB control number.

Proposed Collection: Title: Hazardous Waste Worker Training—42 CFR Part 65. *Type of Information Collection Request:* Revision of OMB No. 0925–0348, expiration date September 30, 2009. *Need and Use of Information Collection:* This request for OMB review and approval of the information collection is required by regulation 42 CFR part 65(a)(6). The National Institute of Environmental Health Sciences (NIEHS) has been given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. In twenty-one years (FY 1987–2008), the NIEHS Worker Training program has successfully supported 20 primary grantees that have trained more than 2.2 million workers across the country and presented over 130,250 classroom and hands-on training courses, which have accounted for nearly 30 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time. Grantees must submit a separate application to have the support continued for each subsequent year. Grantees are to provide information in accordance with S65.4(a), (b), (c) and 65.6(b) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, cooperative agreements in the case of joint applications, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Grantees are to provide their information in hard copy as well as enter information into the WETP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards. *Frequency of Response:* Biannual. *Affected Public:* Non-profit organizations. *Type of Respondents:* Grantees. The annual reporting burden is as follows*: Estimated Number of Respondents:* 18; *Estimated Number of Responses per Respondent:* 2; *Average Burden Hours Per Response:* 14; and *Estimated Total Annual Burden Hours Requested:* 504. The annualized cost to respondents is estimated at: $16,380. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Joseph T. Hughes, Jr., Director, Worker Education and Training Program, Division of Extramural Research and

Training, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541–0217 or E-mail your request, including your address to *wetp@niehs.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: September 9, 2009.

Christopher W. Long,

NIEHS Deputy Associate Director for Management.

[FR Doc. E9–22567 Filed 9–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Availability of Draft Policy Documents for Comment

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: This is a Notice of Availability and request for comments on a draft Agency Guidance (''Policy Information Notices'' (PINs)) to convey and clarify statutory and regulatory governance requirements for federally-funded health centers and Federally Qualified Health Center (FQHC) Look-Alikes. The PIN, ''Health Center Governance Requirements and Expectations'' is available on the Internet at http://bphc.hrsa.gov/draftsforcomment/governance/draftgovernancepin.htm.

DATES: Comments must be received by October 26, 2009.

ADDRESSES: Comments should be submitted to <*OPPDGeneral@hrsa.gov*> by close of business October 26, 2009.

SUMMARY: HRSA believes that community input is valuable to the development of policies and policy documents related to the implementation of HRSA programs, including the Health Center Program. Therefore, we are requesting comments on the PIN referenced above. Comments will be reviewed and analyzed, and a summary and general response will be published as soon as possible after the deadline for receipt of comments.

Background: HRSA administers the Health Center Program, which supports more than 7,500 health care delivery sites, including community health centers, migrant health centers, health care for the homeless centers, and public housing primary care centers. Health centers serve medically underserved communities, delivering preventive and primary care services to patients regardless of their ability to pay. The purpose of the recently published draft PIN is (a) To convey and clarify HRSA's policy regarding Health Center Program statutory and regulatory governance requirements for all Health Center Program grantees (*e.g.,* health centers funded under section 330(e), (g), (h) and (i) of the Public Health Service (PHS) Act, as amended) and FQHC Look-Alikes (per section 1905(l)(2)(B) and section 1861(aa)(4) of the Social Security Act.); (b) provide clarification regarding board requirements for public centers under co-applicant arrangements, including public centers funded or designated solely under sections 330(g), 330(h) and/or 330(i) of the PHS Act, as amended to serve special populations; and (c) outline the eligibility and qualifying expectations for HRSA approval of a governance waiver for the fifty-one percent consumer/patient majority governance requirement for eligible section 330 grantees and FQHC Look-Alikes. The PIN eliminates the monthly meeting requirement from waiver consideration.

FOR FURTHER INFORMATION CONTACT: For questions regarding this notice, please contact the Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, at 301–594–4300.

Dated: September 11, 2009.

Mary K. Wakefield,

Administrator.

[FR Doc. E9–22444 Filed 9–17–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0427]

Draft Guidance for Industry: Clinical Considerations for Therapeutic Cancer Vaccines; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: Clinical Considerations for Therapeutic Cancer Vaccines'' dated September 2009. The draft guidance document provides recommendations to sponsors who wish to submit an Investigational New Drug application (IND) for a therapeutic cancer vaccine on critical clinical considerations for investigational studies of these products. The draft guidance applies to therapeutic cancer vaccines that are intended to be administered to patients with an existing cancer for the purpose of treatment. The draft guidance does not apply to products intended to be administered to patients to prevent or decrease the incidence of cancer and does not apply to adoptive immunotherapeutic products such as T cell or NK cell products.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by December 17, 2009.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Lori Jo Churchyard, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: Clinical Considerations for Therapeutic Cancer Vaccines'' dated September 2009. The draft guidance document provides recommendations to sponsors who wish to submit an IND for a therapeutic cancer vaccine on critical clinical considerations for early and late phase investigational studies intended to support a biologics license application. Development of a therapeutic cancer vaccine can present different considerations for clinical trial design than development of a traditional cytotoxic drug or biological product, due to differences in the proposed

mechanisms of action. The draft guidance applies to therapeutic cancer vaccines intended to be administered to patients with an existing cancer for the purpose of treatment. It does not apply to products intended to be administered to patients to prevent or decrease the incidence of cancer. Also, it does not apply to adoptive immunotherapeutic products such as T cell or NK cell products.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; and the collections of information in 21 CFR part 50 on informed consent have been approved under OMB control number 0910–0130.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the draft guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm* or *http://www.regulations.gov*.

Dated: September 15, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–22531 Filed 9–17–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0431]

Preparation for International Conference on Hamonization: Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled ''Preparation for ICH meetings in St. Louis, Missouri'' to provide information and receive comments on the International Conference on Harmonization (ICH) as well as the upcoming meetings in St. Louis, MO. The topics to be discussed are the topics for discussion at the forthcoming ICH Steering Committee Meeting. The purpose of the public meeting is to solicit public input prior to the next Steering Committee and Expert Working Groups meetings in St. Louis, MO, October 24 to 29, 2009, at which discussion of the topics underway and the future of ICH will continue.

Date and Time: The public meeting will be held on Wednesday, October 14, 2009, from 2:30 p.m. to 4:30 p.m.

Location: The public meeting will be held at the Washington Room at the Hilton Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mary Morrison, Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, by e-mail: *Mary.morrison@fda.hhs.gov*, or FAX: 301–827–0003.

Registration and Requests for Oral Presentations: Mail or fax your registration information (including name, title, firm name, address, telephone and fax numbers), written material and requests to make oral presentations, to Mary Morrison (see *Contact Person*) by October 9, 2009.

If you need special accommodations due to a disability, please contact Mary Morrison (see *Contact Person*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: The ICH was established in 1990 as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for developing and registering new medicinal products in Europe, Japan, and the United States without compromising the regulatory obligations of safety and effectiveness.

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for medical product development among regulatory agencies. ICH was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. ICH is concerned with harmonization among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health, Labor and Welfare, the Japanese Pharmaceutical Manufactures Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA). The ICH Steering Committee includes representatives from each of the ICH sponsors and Health Canada, the European Free Trade Area and the World Health Organization. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the three ICH regions.

The current ICH process and structure can be found at the following Web site: *http://www.ich.org*.

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Public oral presentations will be scheduled between approximately 2:30 p.m. and 4:30 p.m. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person by October 9, 2009, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses,

telephone number, fax, and e-mail of proposed participants, and an indication of the approximate time requested to make their presentation.

The agenda for the public meeting will be made available on the Internet at *http://www.fda.gov/Drugs/News Events/ucm181849.htm*.

Transcripts: Please be advised that as soon as a transcript is available, it can be obtained in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

Dated: September 11, 2009.

David Horowitz,

Assistant Commissioner for Policy.

[FR Doc. E9–22445 Filed 9–17–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel. Transdisciplinary Cancer Genomics Research: Post-Genome Wide Association (Post-GWA) Initiative.

Date: October 27–28, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Marvin L. Salin, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 7073, Bethesda, MD 20892–8329. 301–496–0694. *msalin@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 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–22568 Filed 9–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

Notice is hereby given that I have delegated to the Regional Program Managers, American Indian Alaska Native Program Branch Chief, and Migrant and Seasonal Program Branch Chief the following authority vested in me by the Director, Office of Head Start in the memorandum dated August 27, 2009.

(a) Authority Delegated:

Authority to approve or disapprove requests for non-Federal share waivers under 42 U.S.C. 9835(b) for expenditures funded by the American Recovery & Reinvestment Act of 2009, Public Law 111–5 (Feb. 17, 2009).

(b) Limitations:

1. This delegation shall be exercised under financial and administrative requirements applicable to all Administration for Children and Families authorities.

2. These authorities may not be redelegated.

(c) Effective Date:

This redelegation is effective on the date of signature.

(d) Effect on Existing Delegations:

This redelegation of authority supplements the previous delegations from the Director, Division of Program Operations by the memorandum dated April 26, 2007.

I hereby affirm and ratify any actions taken by any Regional Program Manager, the American Indian Alaska Native Program Branch Chief or the Migrant and Seasonal Program Branch Chief that involved the exercise of this authority prior to the effective date of this redelegation.

Dated: August 28, 2009.

Renee Perthuis,

Director, Division of Program Operations.

[FR Doc. E9–22572 Filed 9–17–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0846]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0100

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Request (ICR) and Analysis to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collection of information: 1625–0100, Advanced Notice of Vessel Arrival. Before submitting this ICR to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before November 17, 2009.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2009–0846], please use only one of the following means:

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

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

(3) *Hand deliver:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov*.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov*. Additionally, copies are available from: Commandant (CG–611), Attn Paperwork Reduction Act (PRA) Manager, U.S. Coast Guard, 2100 2nd St., SW., Stop 7101, Washington DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether this ICR should be granted based on the collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of information subject to the collection; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. *Please see* the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0846], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2009–0846'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Information Collection Request

Title: Advance Notice of Vessel Arrival.

OMB Control Number: 1625–0100.

Summary: The Ports and Waterways Safety Act authorizes the Coast Guard to require pre-arrival messages from any vessel entering a port or place in the United States.

Need: This information is required to control vessel traffic, develop contingency plans, and enforce regulations.

Forms: None.

Respondents: Vessel owners and operators.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 175,525 hours to 199,889 hours a year.

Dated: September 11, 2009.

C. J. Meade,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–22461 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0791]

Certificate of Alternative Compliance for the Offshore Supply Vessel BAYOU BEE

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that a Certificate of Alternative Compliance was issued for the offshore supply vessel *Bayou Bee* as required by 33 U.S.C. 1605(c) and 33 CFR 81.18.

DATES: The Certificate of Alternative Compliance was issued on August 18, 2009.

ADDRESSES: The docket for this notice is available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2009–0791 in the ''Keyword'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call CWO2 David Mauldin, District Eight, Prevention Branch, U.S. Coast Guard, telephone 504–671–2153. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The offshore supply vessel *Bayou Bee* will be used for offshore supply operations. Full compliance with 72 COLREGS and Inland Rules Act will hinder the vessel's ability to maneuver within close proximity of offshore platforms. Due to the design of the vessel, it would be difficult and impractical to build supporting structure that would put the side lights within 5.6′ from the greatest breadth of the vessel, as required by Annex I, paragraph 3(b) of the 72 COLREGS and Annex I, Section 84.05(b) of the Inland Rules Act. Compliance with the rule will cause the lights to be in a location which will be highly susceptible to damage from offshore platforms. Locating the sidelights 12′–4¼″ inboard from the greatest breadth of the vessel on the pilot house will provide a shelter location for the lights and allow

maneuvering within close proximity to offshore platforms.

In addition, the forward masthead light may be located on the top forward portion of the pilothouse 38′–2¼″ above the hull. Placing the forward masthead light at the height as required by Annex I, paragraph 2(a) of the 72 COLREGS would result in a masthead light location highly susceptible to damage when working in close proximity to offshore platforms.

Furthermore, the horizontal distance between the forward and aft masthead lights may be 18′–10⁹⁄₁₆″. Placing the aft masthead light at the horizontal distance from the forward masthead light as required by Annex I, paragraph 3(a) of the 72 COLREGS and Annex I, Section 84.05(a) of the Inland Rules Act would result in an aft masthead light location directly over the aft cargo deck where it would interfere with loading and unloading operations.

Lastly, the aft anchor light may be placed 25′–1⁵⁄₁₆″ off centerline to the starboard side of the vessel, just forward of the stern. Placing the aft anchor light directly over the aft cargo deck would interfere with loading and unloading operations.

A Certificate of Alternative Compliance, as allowed under Title 33, Code of Federal Regulations, Parts 81 and 89, has been issued for the offshore supply vessel *Bayou Bee,* O.N. 1218414. The Certificate of Alternative Compliance allows for the placement of the sidelights to deviate from requirements set forth in Annex I, paragraph 3(b) of 72 COLREGS and Annex I, paragraph 84.05(b) of the Inland Rules Act. In addition, the Certificate of Alternative Compliance allows for the vertical placement of the forward masthead light to deviate from requirements set forth in Annex I, paragraph 2(a) of 72 COLREGS. Furthermore, the Certificate of Alternative Compliance allows for the horizontal separation of the forward and aft masthead lights to deviate from the requirements of Annex I, paragraph 3(a) of 72 COLREGS and Annex I, Section 84.05(a) of the Inland Rules Act. Lastly, the Certificate of Alternative Compliance allows for the placement of the aft anchor light to deviate from the requirements of Rule 30(a)(ii) of 72 COLREGS and Rule 30(a)(ii) of the Inland Rules Act.

This notice is issued under authority of 33 U.S.C. 1605(c), and 33 CFR 81.18.

Dated: August 24, 2009.

J.W. Johnson,

Commander, U.S. Coast Guard, Chief, Inspections and Investigations Branch, By Direction of the Commander, Eighth Coast Guard District.

[FR Doc. E9–22459 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0790]

Certificate of Alternative Compliance for the Offshore Supply Vessel ACO LANDRY A GALIANO

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that a Certificate of Alternative Compliance was issued for the offshore supply vessel ACO LANDRY A GALIANO as required by 33 U.S.C. 1605(c) and 33 CFR 81.18.

DATES: The Certificate of Alternative Compliance was issued on August 10, 2009.

ADDRESSES: The docket for this notice is available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2009–0790 in the ''Keyword'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call CWO2 David Mauldin, District Eight, Prevention Branch, U.S. Coast Guard, telephone 504–671–2153. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The offshore supply vessel ACO LANDRY A GALIANO will be used for offshore supply operations. The horizontal distance between the forward and aft masthead lights may be 22′- 5″. Placing the aft masthead light at the horizontal distance from the forward masthead light as required by Annex I, paragraph 3(a) of the 72 COLREGS, and Annex I, Section 84.05(a) of the Inland Rules Act, would result in an aft masthead light location directly over the cargo deck, where it would interfere with loading and unloading operations.

The Certificate of Alternative Compliance allows for the horizontal separation of the forward and aft masthead lights to deviate from the requirements of Annex I, paragraph 3(a) of 72 COLREGS, and Annex I, Section 84.05(a) of the Inland Rules Act.

This notice is issued under authority of 33 U.S.C. 1605(c), and 33 CFR 81.18.

Dated: August 24, 2009.

J. W. Johnson,

Commander, U.S. Coast Guard, Chief, Inspections and Investigations Branch, By Direction of the Commander, Eighth Coast Guard District.

[FR Doc. E9–22460 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5280–N–36]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use To assist the homeless.

DATES: *Effective Date:* September 18, 2009.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: September 10, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. E9–22254 Filed 9–17–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–29]

Announcement of Funding Awards for Fiscal Year 2009 Alaska Native/Native Hawaiian Institutions Assisting Communities Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development (HUD) Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2009 Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program. The purpose of this document is to announce the names, addresses and the amount awarded to the winners to be used to assist Alaska Native/Native Hawaiian institutions of higher education to expand their role and effectiveness in addressing communities in their localities, including neighborhood revitalization, housing and economic development, principally for persons of low- and moderate-income, consistent with the purpose of Title I of the Housing and Community Development Act of 1974, as amended.

FOR FURTHER INFORMATION CONTACT: Susan Brunson, Office of University Partnerships, U.S. Department of Housing and Urban Development, Room 8226, 451 Seventh Street, SW., Washington, DC 20410, Telephone (202) 402–3852. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TTY by dialing the Federal Information Relay Service on 800–877–8339 or 202–708–1455. (Telephone number, other than ''800'' TTY numbers are not toll free).

SUPPLEMENTARY INFORMATION: The Alaska Native/Native Hawaiian Institutions Assisting Communities Program was approved by Congress under the Appropriations Act, 2009 (Pub. L. 111–8, approved March 11, 2009) and is administered by the Office of University Partnerships under the Office of the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The AN/NHIAC program provides funds for a wide range of CDBG-eligible activities including housing rehabilitation and financing, property demolition or acquisition, public facilities, economic development, business entrepreneurship, and fair housing programs.

The Catalog of Federal Domestic Assistance number for this program is 14.515.

On June 25, 2009, a Notice of Funding Availability (NOFA) was posted on *Grants.gov* announcing the availability of $3 million appropriated in FY09. Each eligible campus was permitted to apply individually for $800,000, the maximum amount that can be awarded for a period of 36 months.

The Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications below, 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). More information about the winners can be found at *http://www.oup.org*.

List of Awardees for Grant Assistance Under the FY 2009 Alaska Native/Native Hawaiian Institutions Assisting Communities Program Funding Competition, By Institution, Address and Grant Amount

Region X

1. University of Alaska Fairbanks-Kuskokwim Campus, Maggie Griscavage, University of Alaska Fairbanks, PO Box 757880, Fairbanks, AK 99775–7880. Grant: $749,597.
2. University of Alaska Fairbanks-Bristol Bay Campus, Maggie Griscavage, University of Alaska Fairbanks, PO Box 757880, Fairbanks, AK 99775–7880. Grant: $734,597.

Region IX

3. University of Hawaii-Windward Community College, Georgette Sakumoto, University of Hawaii, 2530 Dole Street, Sakamaki Hall D–200, Honolulu, HI 96822. Grant: $799,318.
4. University of Hawaii at West Oahu, Georgette Sakumoto, University of Hawaii, 2530 Dole Street, Sakamaki Hall D–200, Honolulu, HI 96822. Grant: $716,488.

Dated: August 26, 2009.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

[FR Doc. E9–22570 Filed 9–17–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5200–FA–06]

Announcement of Funding Awards for Office of Healthy Homes and Lead Hazard Control Grant Programs for Fiscal Year 2008 as Supplemented by Funding Under the American Recovery and Reinvestment Act of 2009

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Announcement of awards funded.

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 funding decisions made by the Department in Fiscal Year 2008 competitions for funding under the Grant Program Notices of Funding Availability (NOFAs) of the Office of Healthy Homes and Lead Hazard Control (OHHLHC). This announcement contains the name and address of the award recipients and the amounts awarded under the Consolidated Appropriations Act, 2008, and prior-year appropriations, or under the American Recovery and Reinvestment Act of 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Ammon, Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, Room 8236, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 402–4337. Hearing- and speech-impaired persons may access the number above via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The awards made under the permanent Fiscal Year 2008 appropriation act (Consolidated Appropriations Act, 2008; Pub. L. 110–161) and prior-year appropriations were announced on September 23, 2008 and October 15, 2008. The awards made under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act) were announced May 15, 2009. The Recovery Act provided funding for

applications submitted under the Consolidated Appropriations Act, 2008 competitions that were qualified for award but had not been selected for award due to funding limitations. All of these awards above were the result of competitions announced in a **Federal Register** notice published on May 15, 2008 (FR–5200–N–01). The purpose of the competitions was to award funding for grants and cooperative agreements for the OHHLHC's Grant Programs. Applications were scored and selected on the basis of selection criteria contained in those Notices.

A total of $148,695,798 was awarded under the Consolidated Appropriations Act, 2008 (Pub. L. 110–161) and previous years' appropriations, and $99,500,000 was awarded under the Recovery Act. 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 names, addresses, and the amount of these awards as follows:

1. A total of $70,379,218 was awarded to 25 grantees for the Lead Based Paint Hazard Control Program under the Consolidated Appropriations Act, 2008: City of Phoenix, Arizona, 200 W. Washington Street, 4th Floor, Phoenix, AZ 85003, $663,082; San Diego Housing Commission, 1122 Broadway, Suite 300, San Diego, CA 92101–5612, $3,000,000; County of Alameda, 2000 Embarcadero, Suite 300, Oakland, CA 94606, $3,000,000; Riverside County, Department of Public Health, 4065 County Circle Dr. #304, Riverside, CA 92503, $3,000,000; City of Los Angeles, 1200 W. 7th Street, 9th Floor, Los Angeles, CA 90017, $3,000,000; City of Richmond, 1401 Marina Way South, Richmond, CA 94804, $3,000,000; City of New Haven, 54 Meadow Street, 9th Floor, New Haven, CT 06519, $3,000,000; Naugatuck Valley Health District, 98 Bank Street, Seymour, CT 06483, $3,000,000; City of Cedar Rapids, 1211 6th Street, SW., Cedar Rapids, IA 52404, $2,431,876; Maine State Housing Authority, 353 Water Street, Augusta, ME 04330, $3,000,000; City of Grand Rapids, 300 Monroe Avenue, NW., Grand Rapids, MI 49503, $3,000,000; City of Minneapolis, 250 S. 4th Street, Room 414, Minneapolis, MN 55415, $3,000,000; City of St. Louis, 1015 Locust Street, Suite 1200, St. Louis, MO 63101, $3,000,000; County of St. Louis, 121 South Meramec, Suite 444, Clayton, MO 63105, $2,070,680; City of High Point, 211 S. Hamilton Street, High Point, NC 27260, $3,000,000; City of Albany Community Development Agency, 200 Henry Johnson Boulevard, Albany, NY 12210, $3,000,000; Onondaga County, 1100 Civic Center, Syracuse, NY 13202, $3,000,000; Erie County, 95 Franklin Street, Buffalo, NY 14202, $3,000,000; Erie, County of, 2900 Columbus Avenue, Sandusky, OH 44870, $3,000,000; City of Akron, Health Department, 177 South Broadway, Akron, OH 44308, $3,000,000; Cleveland Department of Public Health, 1925 St. Clair Avenue, Cleveland, OH 44114, $3,000,000; City of Philadelphia, 2100 West Girard Avenue, Building 3, Philadelphia, PA 19130, $3,000,000; City of Providence, 400 Westminster Street, Providence, RI 02903, $3,000,000; Salt Lake County, 2001 South State Street, Suite 2100, Salt Lake City, UT 84190, $2,214,000; City of Milwaukee Health Department, 841 N. Broadway, Room 118, Milwaukee, WI 53202, $2,999,580.

2. A total of $44,087,870 was awarded to 13 grantees for the Lead Hazard Reduction Demonstration Program under the Consolidated Appropriations Act, 2008: City of Los Angeles, 1200 W. 7th Street, 9th Floor, Los Angeles, CA 90017, $4,000,000; San Diego Housing Commission, 1122 Broadway, Suite 300, San Diego, CA 92101–5612, $4,000,000; Malden Redevelopment Authority, 200 Pleasant Street, Malden, MA 02148, $1,455,560; City of Grand Rapids, 300 Monroe Avenue, NW., Grand Rapids, MI 49503, $1,568,855; City of St. Louis, 1015 Locust Street, Suite 1200, St. Louis, MO 63101, $4,000,000; City of Rochester, 30 Church Street, Room 028B, Rochester, NY 14614, $3,999,700; Onondaga County, 1100 Civic Center, Syracuse, NY 13202, $3,615,358; City of Cincinnati, 801 Plum Street, Cincinnati, OH 45202–0000, $3,000,000; City of Cleveland, Department of Public Health, 1925 St. Clair Avenue, Cleveland, OH 44114, $4,000,000; City of Philadelphia, 2100 West Girard Avenue, Bldg. #3, Philadelphia, PA 19130, $4,000,000; City of Providence, Rhode Island, 400 Westminster Street, Providence, RI 02903, $2,450,411; City of Memphis, Div. of Housing and Community Development, 701 N. Main Street, Memphis, TN 38107–2311, $4,000,000; City of Milwaukee Health Department, 841 N. Broadway, Room 118, Milwaukee, WI 53202, $3,997,986.

3. A total of $1,463,725 was awarded to 5 grantees for the Lead Outreach Grants Program under the Consolidated Appropriations Act, 2008: Sonora Environmental Research Institute, Inc., 3202 E. Grant Rd., Tucson, AZ 85716, $264,356; Rebuilding Together, Inc.,1536 16th Street, NW., Washington, DC 20036, $299,927; Southeastern Michigan Health Association, 200 Fisher Building, 3011 West Grand Boulevard, Detroit, MI 48202–3011, $299,463; Community Foundation for Greater Buffalo, Inc., 712 Main Street, Buffalo, NY 14202, $300,000; West Harlem Environmental Action, Inc., 271 West 125th Street, Suite 308 New York, NY 10027, $299,979.

4. A total of $2,200,000 was awarded to 5 grantees for the Lead Technical Studies Program under the Consolidated Appropriations Act, 2008: National Center for Healthy Housing, 10320 Little Patuxent Parkway, Suite 500, Columbia, MD 21044, $526,522; City of Minneapolis, 250 S. 4th Street, Room 414, Minneapolis, MN 55415, $599,834; Saint Louis University, 221 North Grand Boulevard, St. Louis, MO 63103, $356,203; University of Cincinnati, University Hall, Suite 530, 51 Goodman Drive, Cincinnati, OH 45221–0222, $249,878; University of Cincinnati, University Hall, Suite 530, 51 Goodman Drive, Cincinnati, OH 45221–0222, $467,563.

5. A total of $4,374,761 was awarded to 5 grantees for the Healthy Homes Demonstration Grant Program under the Consolidated Appropriations Act, 2008: National Jewish Medical and Research Center, 1400 Jackson Street, Denver, CO 80206, $874,771; Regents of the University of Michigan, 3003 S. State Street, Ann Arbor, MI 48109–1274, $875,000; MI Dept. of Community Health, 201 Townsend Street, P.O. Box 30195, Lansing, MI 48909, $875,000; Case Western Reserve University, 10900 Euclid Avenue, Cleveland, OH 44106, $874,990; City of Columbus, 240 Parsons Avenue, Columbus, OH 43215, $875,000.

6. A total of $2,100,000 was awarded to 4 grantees for the Healthy Homes Technical Studies Grants Program under the Consolidated Appropriations Act, 2008: Alliance for Healthy Homes, 50 F Street, NW., Suite 300, Washington, DC 20001, $350,000; Johns Hopkins University, 733 N. Broadway, Suite 117, Baltimore, MD 21205, $750,000; Saint Louis University, 221 N. Grand Boulevard, St. Louis, MO 63103, $500,000; Clarkson University, 8 Clarkson Avenue, Potsdam, NY 13699–5630, $500,000.

7. A total of $17,253,107 was awarded to 9 grantees for the Lead Elimination Action Program under the Consolidated Appropriations Act, 2008: Bridgeport Neighborhood Trust, Inc., 177 State Street, 5th Floor, Bridgeport, CT 06604, $2,000,000; The ACCESS Agency, Inc., 1315 Main Street, Suite 2, Willimantic, CT 06226, $1,999,161; Coalition to End Childhood Lead Poisoning, Inc., 2714 Hudson Street, Baltimore, MD 21224, $2,000,000; Sustainable Resources Center, Inc., 1081 Tenth Avenue, SE., Minneapolis, MN 55414, $1,541,107;

New Community Development Corporation, 1701 North 24th Street, Suite 102, Omaha, NE 68110, $1,916,054; Environmental Education Associates, Inc., 346 Austin Street, Buffalo, NY 14201, $1,999,893; Chautauqua Opportunities, Inc., 17 West Courtney Street, Dunkirk, NY 14048, $1,825,000; Mahoning Valley Real Estate Investors Association, Inc., 2901 Market Street, Youngstown, OH 44507–1616, $2,000,000; Middle Tennessee State University, 1301 East Main Street, Murfreesboro, TN 37132–0001, $1,971,892.

8. A total of $77,949,463 was awarded to 30 grantees for the Lead Based Paint Hazard Control Program under the Recovery Act: City of Phoenix, Arizona, 200 W. Washington Street, 4th Floor, Phoenix, AZ 85003, $2,336,918; City of Long Beach, 2525 Grand Avenue, Long Beach, CA 90815–1765, $2,999,947; City and County of San Francisco, Mayor's Office of Housing, 1 South Van Ness, 5th Floor, San Francisco, CA 94116, $3,000,000; City of Fresno, 2600 Fresno Street Third Floor, Fresno, CA 93721, $3,000,000; City of Pomona, 505 South Garey Avenue, P.O. Box 660, Pomona, CA 91769, $2,999,243; State of California, 700 North 10th Street, Room D215–A, Sacramento, CA 95811–0336, $3,000,000; City of New London, 111 Union Street, New London, CT 06320–6634, $2,004,538; City of Norwich, 23 Union Street, Norwich, CT 06360, $1,699,588; City of Waterbury, 95 Scovill Street, Waterbury, CT 06706, $3,000,000; City of Moline, 619 16th Street, Moline, IL 61265, $2,114,670; City of Gary Department of Community Development, 839 Broadway, Suite 302N, Gary, IN 46402, $3,000,000; Elkhart County, 117 North Second Street, Goshen, IN 46526, $3,000,000; City of Marshalltown, 24 North Center Street, Marshalltown, IA 50158, $2,591,227; City of Sioux City, 405 6th Street, Sioux City, IA 51102, $1,983,747; Polk County, 111 Court Avenue, Suite 300, Des Moines, IA 50309, $3,000,000; City of Lewiston, 27 Pine Street, Lewiston, ME 04240, $2,279,525; City of Lowell, JFK Civic Center, 50 Arcand Drive, Lowell, MA 01852, $3,000,000; Massachusetts Department of Housing & Community Dev., 100 Cambridge Street, Boston, MA 02114, $2,640,000; Malden Redevelopment Authority, 200 Pleasant Street, Malden, MA 02148, $2,984,565; Kansas City Health Department, 2400 Troost Avenue, Suite 3100, Kansas City, MO 64108, $2,998,508; City of Utica, 1 Kennedy Plaza, Utica, NY 13502, $2,038,081; City of Charlotte, 600 East Trade Street, Charlotte, NC 28202, $2,999,903; City of Greenville, 201 West 5th Street, Greenville, NC 27858, $1,922,370; City of Charleston Department of Housing & Community Development, 145 King Street, Charleston, SC 29403, $3,000,000; City of Galveston, P.O. Box 779, Galveston, TX 77553, $3,000,000; City of Roanoke, 215 Church Avenue, SW., Room 162, Roanoke, VA 24011, $1,406,633; City of Spokane, 808 W. Spokane Falls Blvd. Spokane, WA 99201, $2,850,000; State of Washington, 906 Columbia Street, SW., Olympia, WA 98504–2525, $3,000,000; County of Rock, Wisconsin, 51 South Main Street, Janesville, WI 53548, $1,100,000; State of Wisconsin, 201 W. Washington Avenue, Madison, WI 53703, $3,000,000.

9. A total of $2,616,843 was awarded to 1 grantee for the Lead Hazard Reduction Demonstration Program under the Recovery Act: District of Columbia Department of Housing and Community Development, 801 North Capitol Street, NE., Washington, DC 20002, $2,616,843.

10. A total of $17,167,142 was awarded to 20 grantees for the Healthy Homes Demonstration Program under the Recovery Act: City of Phoenix, 200 W. Washington Street, 4th Floor, Phoenix, AZ 85003, $875,000; City of Long Beach, 2525 Grand Avenue, Long Beach, CA 90815–1765, $874,992; Community Housing Corporation, 2337 S. Figueroa Street, Los Angeles, CA 90007, $875,000; Riverside County, Department of Public Health, 4065 County Circle Drive, Suite 304, Riverside, CA 92503, $875,000; Connecticut Children's Medical Center, 282 Washington Street, Hartford, CT 06106, $875,000; Health and Hospital Corporation of Marion County, 3838 North Rural Street, Indianapolis, IN 46205–2930, $874,565; Memorial Hospital of South Bend, Inc., 615 N. Michigan Street, South Bend, IN 46601, $552,388; Self Help Inc., 780 W. Main Street, Avon, MA 02322, $875,000; University of Massachusetts Lowell, 600 Suffolk Street, 2nd Floor South, Lowell, MA 01854, $874,940; Montana State University, Extension Service Housing Program, 309 Montana Hall, Bozeman, MT 59718, $873,963; Mahoning County, 21 West Boardman Street, Youngstown, OH 44503–1427, $875,000; City of Philadelphia, 2100 West Girard Avenue, Building 3, PA 19130, $875,000; Healthy Home Resources, 64 South 14th Street, Pittsburgh, PA 15203, $874,821; Pennsylvania Department of Health, 7th Floor East Wing, Health & Welfare Building, 7th & Forster Streets, Harrisburg, PA 17120, $875,000; Philadelphia Housing Authority, 12 South 23rd Street, Philadelphia, PA 19103, $871,664; County of Harris, 2223 West Loop South, HCPHES, Houston, TX 77027, $871,327; King County Housing Authority, 600 Andover Park West, Tukwila, WA 98188, $875,000; City of Milwaukee Health Department, 841 N. Broadway, Room 118, Milwaukee, WI 53202, $874,085; Kenosha County Department of Human Services, Division of Health, 8600 Sheridan Road, Suite 600, Kenosha, WI 53143, $875,000; Wisconsin Department of Health Services, 1 W. Wilson Street, Room 150, Madison, WI 53701, $874,397.

11. A total of $1,766,552 was awarded to 2 grantees for the Lead Technical Studies Program under the Recovery Act: University of Illinois at Chicago, 809 S. Marshfield, 502 MB, M/C551, Chicago, IL 60612–7205, $973,982; National Center for Healthy Housing, 10320 Little Patuxent Parkway, Suite 500, Columbia, MD 21044, $792,570.

Office of Healthy Homes and Lead Hazard Control.

Dated: September 9, 2009.

Matthew Ammon,

Acting Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. E9–22573 Filed 9–17–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–27]

Announcement of Funding Awards for Fiscal Year 2009 Tribal Colleges and Universities Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development (HUD) Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2009 Tribal Colleges and Universities Program (TCUP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards, which are to be used to enable Tribal Colleges and Universities (TCU) to build, expand, renovate, and equip their own facilities, and expand the role of the TCUs into the community through the provision of needed services such as health programs, job training, and economic development activities.

FOR FURTHER INFORMATION CONTACT: Susan Brunson, Office of University

Partnerships, Department of Housing and Urban Development, Room 8226, 451 Seventh Street, SW., Washington, DC 20410, Telephone (202) 402–3852. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TTY by dialing the Federal Information Relay Service on 800–877–8339 or 202–708–1455 (Telephone number, other than ''800'' TTY numbers are not toll free).

SUPPLEMENTARY INFORMATION: The Tribal Colleges and Universities Program was approved by Appropriations Act, 2009 (Pub. L. 111–8, approved March 11, 2009) and is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The Tribal Colleges and Universities Program assists tribal colleges and universities to build, expand, renovate, and equip their own facilities, and expand the role of the TCUs into the community through the provision of needed services such as health programs, job training, and economic development activities.

The Catalog of Federal Domestic Assistance number for this program is 14.519.

On June 25, 2009, a Notice of Funding Availability (NOFA) was posted on Grants.gov announcing the availability of $5 million in Fiscal Year (FY) 2009 funding for the Tribal Colleges and Universities Program. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD funded five applications.

The Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications below, 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). More information about the winners can be found at *http://www.oup.org*.

List of Awardees for Grant Assistance Under the FY 2009 Tribal Colleges and Universities Program Funding Competition, by Institution, Address, and Grant Amount

Region VII

1. Nebraska Indian Community College, Micheal Oltrogge, Nebraska Indian Community College, 1 College Hill, Macy, NE 68039. Grant: $799,545.25.

Region VIII

2. Fort Peck Community College, Warren Means, Fort Peck Community College, 605 Indian Avenue, Poplar, MT 59255. Grant: $800,000.
3. Oglala Lakota College, Thomas Shortbull, Oglala Lakota College, 490 Piya Wiconi Road, Kyle, SD 57752–0490. Grant: $800,000.
4. Sisseton Wahpeton College, Pam Wynia, Sisseton Whapeton College, 12572 BIA Highway, 700 Box 689, Agency Village, SD 57262. Grant: $800,000.
5. Sitting Bull College, Koreen Ressler, Sitting Bull College, 1341 92nd Street, Fort Yates, ND 58538. Grant: $799,698.

Dated: August 26, 2009.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

[FR Doc. E9–22571 Filed 9–17–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Intention to Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the National Park Service (NPS) invites public comments on a revision of a currently approved collection of information (OMB #1024–0009).

DATES: Public comments on this Information Collection Request (ICR) will be accepted on or before October 19, 2009.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior (OMB #1024–0009), Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), by fax at 202/395–5806, or by electronic mail at *oira_docket@omb.eop.gov*. Please also mail or hand carry a copy of your comments to Michael J. Auer, NPS Heritage Preservation Services, National Park Service, 1849 C St., NW., Washington, DC (2255) 20240 or via fax at 202/371–1616.

FOR FURTHER INFORMATION CONTACT: Michael J. Auer, NPS Heritage Preservation Services, National Park Service, 1849 C St., NW., Washington, DC (2255) 20240 or via fax at 202/371–1616. You are entitled to a copy of the entire ICR package free-of-charge. You may access this ICR at *www.reginfo.gov/public/*.

COMMENTS RECEIVED ON THE 60-DAY FEDERAL REGISTER NOTICE: The NPS published a 60-day notice to solicit public comments on this ICR in the **Federal Register** on February 3, 2009 (Vol. 74 No. 21, FR 5945). The comment period closed on April 6, 2009. No comments were received on this notice.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1024–0009.

Title: Historic Preservation Certification Application—36 CFR Part 67.

Form(s): 10–168 (Part 1—Evaluation of Significance); 10–168a (Part 2—Description of Rehabilitation); 10–168b (Amendment Sheet); 10–168c (Part 3—Request for Certification of Completed Work).

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

Description of Need: Abstract. Section 47 of the Internal Revenue Code requires that the Secretary of the Interior certify to the Secretary of the Treasury upon application by owners of historic properties for Federal tax benefits: (a) The historic character of the property, and (b) that the rehabilitation work is consistent with that historic character. The NPS administers the program with the Internal Revenue Service. NPS uses the Historic Preservation Certification Application to evaluate the condition and historic significance of buildings undergoing rehabilitation for continued use, and to evaluate whether the rehabilitation work meets the Secretary of the Interior's *Standards for Rehabilitation.* The *Standards for Rehabilitation* are available at 36 CFR Part 67.7 and at *http://www.nps.gov/history/hps/tps/tax/rehabstandards.htm*. The Department of the Interior regulation 36 CFR Part 67 contains a requirement for completion of an application form. The information required on the application form is needed to allow the authorized officer to determine if the applicant is qualified to

obtain historic preservation certifications from the Secretary of the Interior. These certifications are necessary in order for an applicant to receive substantial Federal tax incentives authorized by Section 47 of the Internal Revenue Code. These incentives include 20% Federal income tax credit for the rehabilitation of historic buildings and an income tax deduction for the donation of easements on historic properties. The Internal Revenue Code also provides a 10% Federal income tax credit for the rehabilitation of non-historic buildings built before 1936. Owners of non-historic buildings in historic districts must also use the application to obtain a certification from the Secretary of the Interior that their building does not contribute to the significance of the historic district before they claim this lesser tax credit for rehabilitation.

Affected public: Individuals or households, businesses.

Obligation to respond: Responses are required to obtain the benefit applied for.

Frequency of response: On occasion.

Estimated total annual responses: 5,578 responses. A total of 1,583 for Form 10–168, a total of 1,245 for Form 10–168a, a total of 1,780 for Form 10–168b, and a total of 970 for Form 10–168c.

Estimated average completion time per response: Completion times vary from .5 to 39.8 hours.

Estimated annual reporting burden: 25,798 hours.

Estimated annual nonhour cost burden: $7,001,644 (application fees and contractor costs).

Comments are invited on: (1) the practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that OMB will be able to do so.

Dated: September 15, 2009.

Cartina Miller,

NPS Information Collection Clearance Officer.

[FR Doc. E9–22526 Filed 9–17–09; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Assessment for the Establishment of the Martin Luther King Jr. Memorial; Notice of Availability

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice of availability.

SUMMARY: Pursuant to the Council of Environmental Quality regulations and National Park Service policy, this notice announces the availability of a revised Environmental Assessment (EA) for the establishment and operation of a national memorial to Dr. Martin Luther King, Jr., to be located on parkland in Washington, DC. The EA was first released in 2005. The proposed Martin Luther King, Jr. Memorial (Memorial) is conceived as a space that is quiet and contemplative; but also uses powerful and evocative symbolism to convey Dr. King's message of justice, democracy, and hope. The approved site for the Martin Luther King, Jr. Memorial is a four-acre parcel of land located on the northwestern side of the Tidal Basin within West Potomac Park (the project area). The triangular-shaped site is located across the Tidal Basin from the Jefferson Memorial and approximately 750 feet north of the Franklin Delano Roosevelt Memorial. The site is generally bounded by Independence Avenue on the north, the pedestrian walkway of the Tidal Basin on the east, the Franklin Delano Roosevelt Memorial on the south, and recreational open space on the west. The site also includes a portion of West Basin Drive. This EA has been revised to incorporate and address changes that were made in the proposal after the 2005 EA was issued, and to otherwise update the EA.

DATES: There will be a 30-day public review period for comment on this document. Comments on this EA should be received no later than October 19, 2009.

ADDRESSES: Comments should be submitted either via the National Park Service Planning, Environment, and Public Comment (PEPC) Web site (*http://parkplanning.nps.gov/NAMA*) or in writing to Mr. Doug Jacobs, Deputy Associate Regional Director for Lands, Resources and Planning, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, DC 20242. Copies of the EA can be downloaded from PEPC and will also be available for review at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, DC 20242

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in our comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Jacobs, Deputy Associate Regional Director for Lands, Resources, and Planning at (202) 619–7025.

SUPPLEMENTARY INFORMATION: In 2005 the NPS and the Martin Luther King, Jr. National Memorial Project Foundation Inc. released an EA. Subsequently, after the 2005 EA went through the public comment process, revisions were made to the Memorial, including the addition of a visitor services facility, security features, and the realignment of West Basin Drive. Consistent with Council on Environmental Quality policy, the NPS requires that the EA be rewritten to incorporate and consider new issues rather than supplemented. This revised EA, therefore, adds to, and expands upon, the information and impact analysis presented in the original 2005 Martin Luther King, Jr. National Memorial EA. The NPS will issue a decision on this revised EA.

September 10, 2009.

Margaret O'Dell,

Regional Director, National Capital Region.

[FR Doc. E9–22528 Filed 9–17–09; 8:45 am]

BILLING CODE 4312–JK–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before September 4, 2009.

Pursuant to section 60.13 of 36 CFR, Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United

States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by October 5, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

Orange County

Stroschein, Carl, House, 31682 El Camino Real, San Juan Capistrano, 09000823.

GEORGIA

Fulton County

Hapeville Historic District, 1–75 E., Mt. Zion Rd. N., I–85 W., and Airport Loop Rd. S., Sylvan and Springdale Rds. W. of I–85, Hapeville, 09000824.

IOWA

Cerro Gordo County

East Park Band Shell, E. State St. between North Carolina and Kentucky, Mason City, 09000825.

Davis County

''Lockkeeper's'' House, Whitefish Trail, Eldon, 09000826.

MASSACHUSETTS

Worcester County

West Village Historic District, Allen Hill, Goodnow, Hubbardston, and Radford Rds., Princeton, 09000827.

MINNESOTA

St. Louis County

ROBERT WALLACE (bulk carrier) shipwreck site, (Minnesota's Lake Superior Shipwrecks MPS), Address Restricted, Palmers, 09000828.

MISSOURI

Cape Girardeau County

South Middle Street Historic District, 513 William St., 202–230 S. Middle St., and 203–229 S. Middle, Cape Girardeau, 09000829.

Jackson County

Mercantile Bank & Trust Building, 1101 Walnut St., Kansas City, 09000830.

NEW YORK

Bronx County

Tremont Baptist Church, 324 E. Tremont Ave., Bronx, 09000831.

Onondaga County

South Salina Street Downtown Historic District, S. Salina St., Syracuse, 09000832.

Queens County

Astoria Center of Israel, 27–35 Crescent St., Astoria, 09000833.

Free Synagogue of Flushing, 41–60 Kissena Blvd., Flushing, 09000834.

Wayne County

Alasa Farms, 6450 Shaker Rd., Alton, 09000835.

Palmyra Village Historic District, Portions of Canandaigue, Church, Cuyler, E. and W. Jackson, Market, E. and W. Main Sts., Palmyra, 09000836.

Westchester County

New Rochelle Railroad Station, Between N. Ave. and Memorial Hwy., New Rochelle, 09000837.

Wyoming County

Fleming, Bryant, House, 1024 Tower Rd., Wyoming, 09000838.

TEXAS

Collin County

Celina Public School, 205 S. Colorado St., Celina, 09000839.

Matagorda County

Hill, R.J., Building, 401 Commerce St., Palacios, 09000840.

Price-Farwell House, 308 S. Bay Blvd., Palacios, 09000841.

Request for REMOVAL has been made for the following resources:

HAWAII

Honolulu County

Aiea Sugar Mill, 99–197 Aiea Heights Dr., Aiea, 95001501.

Young, Alexander, Building, Bishop St., Honolulu, 80001284.

[FR Doc. E9–22521 Filed 9–17–09; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Weekly Listing of Historic Properties

Pursuant to (36CFR60.13(b,c)) and (36CFR63.5), this notice, through publication of the information included herein, is to apprise the public as well as governmental agencies, associations and all other organizations and individuals interested in historic preservation, of the properties added to, or determined eligible for listing in, the National Register of Historic Places from July 13, to July 17, 2009.

For further information, please contact Edson Beall via: United States Postal Service mail, at the National Register of Historic Places, 2280, National Park Service, 1849 C St., NW., Washington, DC 20240; in person (by appointment), 1201 Eye St., NW., 8th Floor, Washington, DC 20005; by fax, 202–371–2229; by phone, 202–354–2255; or by e-mail, *Edson_Beall@nps.gov.*

Dated: September 8, 2009.

J. Paul Loether,

Chief, National Register of Historic Places, National Historic Landmarks Program.

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, Action, Date, Multiple Name

ARIZONA

Maricopa County

Arizona State Hospital Building, 2500 E. Van Buren St., Phoenix, 09000510, Listed, 7/15/09

Southern Pacific Railroad Locomotive No. SP 2562 and Tender No. 8365, 330 E. Ryan Rd., Chandler, 09000511, Listed, 7/17/09

ARKANSAS

Fulton County

Mammoth Spring Dam and Lake, 17 US 63 N., Mammoth Spring, 09000512, Listed, 7/15/09

Pulaski County

Federal Reserve Bank Building (Boundary Increase), 123 W. 3rd St., Little Rock, 09000513, Listed, 7/15/09 (Thompson, Charles L., Design Collection TR)

Sebastian County

Hartford Commercial Historic District, Buildings on the E. side of Broadway St. from 12 N. Broadway to 106 S. Broadway, Hartford, 09000514, Listed, 7/15/09

CALIFORNIA

Los Angeles County

Killingsworth, Brady, & Smith, 3827–3837 Long Beach Blvd., Long Beach, 09000515, Listed, 7/15/09

IOWA

Winneshiek County

Big Stone Mills, 113 N. Main St., Spillville, 09000516, Listed, 7/15/09 (Flour Milling in Iowa MPS)

LOUISIANA

Lafourche Parish

Vives House, 923 Jackson St., Thibodaux, 09000517, Listed, 7/15/09

St. Tammany Parish

Haaswood Store, 62011 US 1091, Pearl River vicinity, 09000518, Listed, 7/15/09

MARYLAND

Carroll County

Taylor-Manning-Leppo House, 2600 Patapsco Rd., Finksburg vicinity, 09000519, Listed, 7/15/09

MICHIGAN

Allegan County

Leiendecker's Inn—Coral Gables, 220 Water St., Saugatuck, 09000520, Listed, 7/16/09

Berrien County

Lakeside Inn, 15251 Lakeshore Rd., Lakeside, 09000521, Listed, 7/16/09

Houghton County

Lake Linden Historic District, Calumet St. between 1st and 8th plus parts of Hecla and Schoolcraft Sts., Lake Linden, 09000522, Listed, 7/16/09

Van Buren County

Bangor Elevator, 142 W. Monroe St., Bangor, 09000523, Listed, 7/14/09

Wayne County

Eberts, John and Emma Lacey, House, 109 Vinewood Ave., Wyandotte, 09000524, Listed, 7/16/09

Wayne County

Wyandotte Odd Fellows Temple, 81 Chestnut St., Wyandotte, 09000527, Listed, 7/16/09

NEBRASKA

Buffalo County

Kearney National Guard Armory, 1600 Central Ave., Kearney, 09000525, Listed, 7/16/09

Douglas County

Northwestern Bell Telephone Company Regional Headquarters, 100 S. 19th St., Omaha, 09000526, Listed, 7/17/09

Fillmore County

Maple Grove Sales Pavilion and Farrowing Barn, 2408 Rd. W, Tobias, 09000528, Listed, 7/16/09

NORTH CAROLINA

Greene County

Neoheroka Fort Site, Address Restricted, Snow Hill vicinity, 09000529, Listed, 7/17/09

OREGON

Clackamas County

Iron Workers' Cottage, 40 Wilbur St., Lake Oswego, 09000531, Listed, 7/16/09

Deschutes County

Pictograph Site, Address Restricted, Brothers vicinity, 09000532, Listed, 7/17/09

TENNESSEE

Knox County

Stratford, 809 Dry Gap Pike, Knoxville, 09000536, Listed, 7/16/09 (Knoxville and Knox County MPS)

VIRGINIA

Prince William County

Commanding General's Quarters, Quantico Marine Base, 100 Block of Neville Rd., Quantico Marine Base, Quantico, 09000540, Listed, 7/17/09

WASHINGTON

Kittitas County

Thorp Grade School, 10831 N. Thorp Hwy., Thorp, 09000541, Listed, 7/16/09 (Rural Public Schools of Washington State MPS)

WYOMING

Laramie County

Crow Creek—Cole Ranch Headquarters Historic District, 1065 Happy Jack Rd., Cheyenne vicinity, 09000565, Listed, 7/14/09

[FR Doc. E9–22517 Filed 9–17–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Office on Violence Against Women; Agency Information Collection Activities: New Collection

ACTION: 30-day notice of information collection under review: Annual Progress Report for the Sexual Assault Services Formula Grant Program.

The Department of Justice, Office on Violence Against Women (OVW), 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. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 136, page 34787 on July 17, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 19, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Annual Progress Report for Grantees from the Sexual Assault Services Formula Grant Program (SASP).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 606 administrators and subgrantees of the SASP. SASP formula grants support intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The SASP supports the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault. The grant funds are distributed by SASP state administrators to subgrantees as outlined under the provisions of the Violence Women Act of 2005.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 606 respondents (SASP grantees and subgrantees) approximately one hour to complete an annual progress report. The annual progress report is divided into sections that pertain to the different types of activities in which subgrantees may engage. An SASP subgrantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 606 hours, that is 606 administrators and subgrantees completing a form twice a year with an estimated

completion time for the form being one hour.

If additional information is required, contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: September 15, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–22532 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Office on Violence Against Women

[OMB Number 1122–NEW]

Agency Information Collection Activities: New Collection

ACTION: 30-day notice of informaton collection under review: Semi-Annual Progress Report for the Sexual Assault Services Program—Grants to Culturally Specific Programs.

The Department of Justice, Office on Violence Against Women (OVW), 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.

This proposed information collection was previously published in the **Federal Register** Volume 74, Number 136, page 34787 on July 17, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 19, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Sexual Assault Services Program—Grants to Culturally Specific Programs (SASP-Culturally Specific Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 11 grantees of the SASP Culturally Specific Program. This program supports projects that create, maintain and expand sustainable sexual assault services provided by culturally specific organizations, which are uniquely situated to respond to the needs of sexual assault victims within culturally specific populations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 11 respondents (SASP-Culturally Specific Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP–Culturally Specific Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 22 hours, that is 11 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: September 15, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–22535 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Office on Violence Against Women

[OMB Number 1122—NEW]

Agency Information Collection Activities: New Collection

ACTION: 30-day notice of information collection under review: Semi-Annual Progress Report for the Grants To Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

The Department of Justice, Office on Violence Against Women (OVW), has submitted 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. This proposed information collection was previously published in the **Federal Register** Volume 74, Number 136, page 34786 on July 17, 2009, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 19, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs,

Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from Grants to Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Culturally and Linguistically Specific Services Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection*: *Form Number:* 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 50 grantees of the Culturally and Linguistically Specific Services Program. The program funds projects that promote the maintenance and replication of existing successful domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources. The program also supports the development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of violence against women.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 50 respondents (Culturally and Linguistically Specific Services Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Culturally and Linguistically Specific Services Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 100 hours, that is 50 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: September 15, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–22487 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–00188]

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 60-day notice of information collection under review; Extension without change of a currently approved collection.

Budget Detail Worksheet

The Department of Justice, Office of Justice Programs, Office of the Comptroller, will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 17, 2009.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Marcia K. Paull, Chief Financial Officer at (202)–353–2820, Office of the Chief Financial Officer, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) Type of information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) The title of the form/collection: Budget Detail Worksheet.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: Non-applicable.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: All potential grantee partners who are possible recipients of our discretionary grant programs. The eligible recipients include state and local governments, Indian tribes, profit entities, non-profit entities, educational institutions, and individuals.

The form is not mandatory and is recommended as a guide to assist the recipient in preparing the budget narrative as authorized in 28 CFR parts 66 and 70.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to

respond/reply: It is estimated that 2500 respondents will complete a 4-hour form.

(6) An estimate of the total public burden (in hours) associated with the collection: The total hour burden to complete the forms is 10,000 annual burden hours.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: September 14, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–22450 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21 Code of Federal Regulations (CFR), 1301.34(a), this is notice that on May 8, 2009, DDN/Obergfel LLC., 1560–A S. Baker Avenue, Ontario, California 91761, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import Remifentanil in bulk for distribution to dosage form manufacturers.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, VA. 22152; and must be filed no later than October 19, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e) and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. § 958(a); 21 U.S.C. 823(a); and 21 CFR § 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: September 14, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22502 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 22, 2009, and published in the **Federal Register** on June 26, 2009, (74 FR 30621), Noramco, Inc., Division of Ortho-McNeil, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of Tapentadol (9780), a basic class of controlled substance listed in schedule II.

The company plans to import an intermediate of the basic class listed for the bulk manufacture of Tapentadol which it will distribute to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and § 952(a) and determined that the registration of Noramco, Inc. to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Noramco, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and § 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 14, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22506 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 15, 2009, and published in the **Federal Register** on June 23, 2009, (74 FR 29719), Aptuit (Allendale) Inc., 75 Commerce Drive, Allendale, New Jersey 07401, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Lisdexamfetamine (1205)	II
Noroxymorphone (9668)	II

The company plans to import the basic classes of controlled substances for clinical trials and research.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Aptuit (Allendale), Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Aptuit (Allendale), Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of

the basic classes of controlled substances listed.

Dated: September 14, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22505 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated June 15, 2009, and published in the **Federal Register** on June 23, 2009 (74 FR 29718), Aptuit, 10245 Hickman Mills Drive, Kansas City, Missouri 64137, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Marihuana (7360), a basic class of controlled substance listed in schedule I.

The company plans to import a finished pharmaceutical product containing cannabis extracts in dosage form for packaging for a clinical trial study.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and § 952(a) and determined that the registration of Aptuit to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Aptuit to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and § 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: September 11, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22451 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated June 15, 2009, and published in the **Federal Register** on June 24, 2009, (74 FR 30111), AllTech Associates Inc., 2051 Waukegan Road, Deerfield, Illinois 60015, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Heroin (9200)	I
Cocaine (9041)	II
Codeine (9050)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II

The company plans to import these controlled substances for the manufacture of reference standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and § 952(a) and determined that the registration of AllTech Associates, Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated AllTech Associates, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and § 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: September 11, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22452 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 2, 2009, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004–1412, made application by renewal to the Drug Enforcement Administration (DEA) as a bulk manufacturer of Cocaine (9041), a basic class of controlled substance in schedule II.

The company plans to manufacture a radioactive product used in diagnostic imaging in the diagnosis of Parkinson's Disease and for manufacture in bulk for investigational new drug (IND) submission and clinical trials.

Any other such applicant, and any person who is presently registered with DEA to manufacture such a substance, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, VA 22152; and must be filed no later than November 17, 2009.

Dated: September 14, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22503 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances Notice of Registration

By Notice dated June 3, 2009, and published in the **Federal Register** on June 9, 2009, (74 FR 27350), Norac Inc., 405 S. Motor Avenue, P.O. Box 577, Azusa, California 91702–3232, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Nabilone (7379), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the bulk controlled substance for use in product development and for distribution to its customers.

No comments or objections have been received. DEA has considered the

factors in 21 U.S.C. 823(a) and determined that the registration of Norac Inc. to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Norac Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: September 11, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–22453 Filed 9–17–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application No. L–11568]

Notice of Proposed Individual Exemption Involving General Motors Corporation, Located in Detroit, MI

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Notice of proposed individual exemption.

This document contains a notice of pendency before the Department of Labor (the Department) of a proposed individual exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act or ERISA). The transactions involve the UAW General Motors Company Retiree Medical Benefits Plan (the New GM VEBA Plan) and its associated UAW Retiree Medical Benefits Trust (the VEBA Trust) (collectively the VEBA).[1] The proposed exemption, if granted, would affect the VEBA, its participants and beneficiaries.

DATES: *Effective Date:* If granted, this proposed exemption will be effective as of July 10, 2009.

Written comments and requests for a public hearing on the proposed exemption should be submitted to the Department within 45 days from the date of publication of this **Federal Register** Notice.

ADDRESSES: All written comments and requests for a public hearing concerning the proposed exemption should be sent to the Office of Exemption Determinations, Employee Benefits Security Administration, Room N–5700, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington DC 20210, Attention: Application No. L–11568. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: *gm@dol.gov,* or by FAX to (202) 219–0204 by the end of the scheduled comment period. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Karen E. Lloyd, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693–8547. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This document contains a notice of proposed individual exemption from the restrictions of sections 406(a)(1)(A), 406(a)(1)(B), 406(a)(1)(D), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2), and 407(a) of ERISA. The proposed exemption has been requested in an application filed by General Motors Corporation pursuant to section 408(a) of ERISA and in accordance with the procedures set forth in 29 CFR 2570, Subpart B (55 FR 32836, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Accordingly, this proposed exemption is being issued solely by the Department.

Summary of Facts and Representations [2]

The Applicant

Prior to its bankruptcy filing on June 1, 2009, General Motors Corporation (Old GM) and its subsidiaries were engaged primarily in the worldwide development, production, and marketing of cars, trucks, and related parts. Old GM had its largest operating presence in North America. As of March 31, 2009, Old GM had total assets on its consolidated balance sheet of $82,290,000,000 and liabilities of $172,810,000,000.

By motion filed June 1, 2009, in *In re General Motors Corporation,* [3] Old GM sought approval for the sale of substantially all of its assets to a purchaser sponsored by the United States Department of the Treasury (U.S. Treasury). On July 10, 2009, following approval of the U.S. Bankruptcy Court for the Southern District of New York, certain assets and liabilities of Old GM were sold to General Motors Company (New GM).[4] New GM maintains its headquarters in Detroit, MI, and employs 235,000 people throughout the world.

Background

Throughout much of 2005, Old GM and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) engaged in extended discussions concerning the impact of rising health care costs on Old GM's financial condition. During these discussions, Old GM asserted that it had the right to unilaterally modify the retiree health benefits under the General Motors Health Care Program for Hourly Employees (''Old GM Plan'') and that, if no agreement was reached to address the economic burden of its retiree health obligation, Old GM would do so unilaterally. The UAW disagreed with Old GM's position and asserted that retiree benefits were vested and that Old GM did not have the right to modify them unilaterally. The UAW and a class of retirees (''Class'') sued Old GM over this issue, and after an extensive review by the UAW and class counsel (Class Counsel) of Old GM's ability to continue providing retiree health care benefits, the parties entered into a settlement

[1] Because the New GM VEBA Plan will not be qualified under section 401 of the Internal Revenue Code of 1986, there is no jurisdiction under Title II of the Act pursuant to section 4975 of the Code. However, there is jurisdiction under Title I of the Act.

[2] The Summary of Facts and Representations is based on the Applicant's representations and does not reflect the views of the Department.

[3] No. 09–50026 (Bankr. S.D.N.Y.).

[4] Following the asset sale, Old GM was renamed Motors Liquidation Company. For the operations, assets and liabilities that were not transferred to New GM, the chapter 11 bankruptcy proceeding will continue in order to resolve creditors' claims and wind down those operations in an orderly way.

agreement, providing for, among other things, the institution of co-pays and deductibles under the Old GM Plan. *UAW et al.* v. *General Motors Corp.,* No. 05–CV–73991, 2006 WL 891151 (E.D. Mich. Mar. 31, 2006), aff'd *Int'l Union, UAW* v. *General Motors Corp.,* 497 F.3d 615 (6th Cir. 2006) (''Henry I'').

By its terms, however, the Henry I settlement agreement provided only a temporary and limited solution. The settlement agreement imposed new, cost-sharing requirements on UAW-hourly retirees, and required Old GM to make certain payments to a voluntary employees' beneficiary association trust (''Mitigation VEBA'') controlled by a committee independent of Old GM, which would act as a funding source to mitigate the impact of these cost-sharing provisions on retirees. The settlement agreement was to remain in effect until at least September 14, 2011, after which either Old GM or the UAW could terminate the agreement and reassert its original position regarding Old GM's ability to unilaterally modify and/or terminate retiree health care benefits. If not terminated, the settlement agreement would remain in effect indefinitely.

In 2007, during labor negotiations concerning a new national collective bargaining agreement for UAW-represented employees, Old GM advised the UAW that it planned to terminate the Henry I settlement agreement in accordance with its terms in 2011, and exercise its right to unilaterally terminate and/or modify the Old GM Plan's retiree coverage for UAW retirees and their dependents, if Old GM's preference for a mutual agreement could not be attained. In response, the UAW reasserted its legal position that post-retirement medical coverage for current UAW retirees under the Old GM Plan is vested and unalterable, but agreed to enter into discussions to see if a solution acceptable to all parties could be negotiated.

On September 26, 2007, the UAW and the Class sued Old GM in the United States District Court for the Eastern District of Michigan, again challenging Old GM's right to unilaterally modify and/or terminate retiree health benefits. *Int'l Union, UAW, et al.* v. *General Motors Corp.,* No. 07–cv–14074 (E.D. Mich. Sept. 26, 2007) (''Henry II''). Also, on that day, Old GM and the UAW agreed to a memorandum of understanding regarding post-retirement medical benefits.

On February 21, 2008, the Henry II parties agreed on a detailed settlement to effectuate the September 2007 memorandum of understanding (''Henry II Settlement Agreement''). The Henry II Settlement Agreement provided that on the later of January 1, 2010, or final court approval of the Settlement Agreement, Old GM would terminate retiree coverage under the Old GM Plan for the Class and an additional group of employees and retirees known as the ''Covered Group,'' and would transfer certain assets to the New GM VEBA Plan to provide the Class and Covered Group with post-retirement medical benefits. The VEBA Trust was to receive assets from a number of sources including: funds that were then in the Mitigation VEBA and in the VEBA that supports the Old GM Plan (''the Internal VEBA''), cash from Old GM and Old GM issued notes.

After a fairness hearing, the Henry II Settlement Agreement was approved by the District Court on July 31, 2008, as fair, reasonable, and adequate. See *Int'l Union, UAW, et al.* v. *General Motors Corp.,* No. 07–cv–14074, 2008 WL 2968408 (E.D. Mich. July 31, 2008). No appeal of the court's order approving the settlement was taken.

The Henry II Settlement Agreement fully resolved the parties' dispute regarding post-retirement health benefits and replaced the Henry I settlement agreement. Under the new agreement, Old GM's obligation to provide post-retirement medical benefits to the Class and Covered Group would be terminated. The New GM VEBA Plan would be established and maintained not by Old GM, but by an employees' beneficiary association consisting of the population covered by the New GM VEBA Plan and administered by an independent committee (''Committee''). The New GM VEBA Plan, to be funded exclusively through the VEBA Trust, would be solely responsible for the payment of post-retirement medical benefits to members of the Class and Covered Group on and after January 1, 2010.

Since final approval of the Henry II Settlement Agreement by the court on July 31, 2008, Old GM's financial position deteriorated significantly due to a steep and unanticipated decline in revenue caused by a dramatic drop in the market for new motor vehicles. As a consequence, Old GM petitioned the Federal government for emergency financial assistance, which resulted in a Loan and Security Agreement dated December 31, 2008, between Old GM and the U.S. Treasury (''2008 Loan Agreement''). The 2008 Loan Agreement required Old GM to present, by March 31, 2009, a certification and report detailing, among other things, the progress made by Old GM and its subsidiaries in implementing a restructuring plan that included (a) modification of labor contracts, (b) modification of Old GM's obligations to the New GM VEBA Plan, and (c) a bond exchange offer with its creditors. Failure to reach the preceding agreements, to the satisfaction of the President's designee, would cause the 2008 Loan to become due and payable within 30 days.

On March 31, 2009, Old GM entered into amendments to the 2008 Loan Agreement that extended the deadline to June 1, 2009. Between March 31, 2009, and June 1, 2009, Old GM drew additional government aid. On June 1, 2009, Old GM filed for bankruptcy protection.

Bankruptcy

Given Old GM's financial situation, the bankruptcy, and the need to meet the requirements of the 2008 Loan Agreement, Old GM, the UAW, Class Counsel, and the U.S. Treasury agreed that Old GM and the UAW would enter into another agreement, known as the Modified Settlement Agreement, and seek approval of the Modified Settlement Agreement from the bankruptcy court. The Modified Settlement Agreement governed the provision of post-retirement medical benefits to the Class and the Covered Group by the new company (*i.e.,* New GM) that was anticipated to purchase certain assets of Old GM as part of the bankruptcy action.

On July 5, 2009, the bankruptcy court approved a sale under Section 363 of Title 11 of the U.S. Code by which New GM succeeded to certain assets and liabilities of Old GM (''Section 363 Sale''). The bankruptcy court also approved the Modified Settlement Agreement. The Section 363 Sale closed, and the Modified Settlement Agreement was executed, on July 10, 2009.

Effective as of the Section 363 Sale, New GM has the following capitalization:

Common Equity: The outstanding common stock of New GM (New GM Common Stock) (without giving effect to the warrants described below) is allocated as follows:

- 60.8% (304,131,356 shares) to the U.S. Treasury [5]

[5] The Applicant's position is that the U.S. Treasury's ownership of more than 50% of New GM should not result in the U.S. Treasury being considered a party in interest to the New GM VEBA Plan under section 3(14)(E) of ERISA. Section 3(14)(E) states that a party in interest means, as to an employee benefit plan, ''an owner, direct or indirect, of 50 percent or more of * * * the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation * * * which is an employer,'' any of whose employees are covered by

• 11.7% (58,368,644 shares) to the Canadian and Ontario governments (collectively)

• 17.5% (87,500,000 shares) to the New GM VEBA Plan

• 10% (50,000,000 shares) to Old GM

Perpetual Preferred Stock: Single issue of $9.0 billion cumulative perpetual preferred stock with a 9% dividend per annum (''Series A''), consisting of:

• $2.1 billion issued to the U.S. Treasury

• $0.4 billion issued to the Canadian and Ontario governments (collectively)

• $6.5 billion issued to the New GM VEBA Plan

Debt: Approximately $17.3 billion estimated total consolidated debt (excluding debt related to Old GM's automotive supplier financing program and warranty program), each in a separate issue, including approximately:

• $6.7 billion owed to the U.S. Treasury

• $1.3 billion owed to the Canadian and Ontario governments (collectively)

• $2.5 billion owed to the New GM VEBA Plan

• $6.8 billion of other, primarily international debt, but excluding Europe

Warrants: Separate issues of warrants will be allocated as follows:

• *To Old GM:* Warrants to acquire 45,454,545 newly issued shares of New GM Common Stock, exercisable at any time prior to the seventh anniversary of issuance, with an exercise price set at $30.00 per share.

• *To Old GM:* Warrants to acquire 45,454,545 newly issued shares of New GM Common Stock, exercisable at any time prior to the tenth anniversary of issuance, with an exercise price set at $55.00 per share.

• *To the New GM VEBA Plan:* Warrants to acquire 15,151,515 newly issued shares of New GM Common Stock, exercisable at any time prior to December 31, 2015, with an exercise price set at $126.92 per share.

New GM VEBA Plan and VEBA Trust

The UAW General Motors Company Retirees Employees' Beneficiary Association (''General Motors Company Retirees EBA''), acting through the Committee, will establish and maintain the New GM VEBA Plan, subject to ERISA, to provide retiree health benefits to the Class and Covered Group after the Implementation Date, which will be December 31, 2009. Prior to the Section 363 Sale, the Old GM Plan provided retiree health benefits to the Class and the Covered Group; following the closing of the Section 363 Sale, the General Motors Company Plan (''New GM Plan'') assumed provision of the benefits with respect to claims incurred on or before the Implementation Date. The New GM VEBA Plan will be responsible for benefit claims incurred after the Implementation Date.[6]

Beginning with claims incurred on and after the later of (i) July 1, 2009, or (ii) receipt of necessary bankruptcy court approval, the Old GM Plan will be amended and/or implemented to reflect certain benefit changes set forth in Exhibit F of the Modified Settlement Agreement. After the Implementation Date, the Committee will have sole responsibility to determine the scope and level of retiree health benefits available to the Class and Covered Group under the New GM VEBA Plan. The Committee may raise or lower the level of retiree health care benefits available to the Class and Covered Group. In exercising its authority over benefit design, the Committee shall be guided by the principle that the New GM VEBA Plan should provide substantial health benefits for the duration of the lives of all participants and beneficiaries in the New GM VEBA Plan.

The General Motors Company Retirees EBA, along with the UAW Chrysler Retirees Employees' Beneficiary Association and the UAW Ford Retirees Employees' Beneficiary Association, each acting through the Committee, established the VEBA Trust on October 16, 2008. The VEBA Trust will be the funding source for the New GM VEBA Plan. The VEBA Trust is the subject of a trust agreement between the trustee and the Committee, acting on behalf of the respective EBAs. The VEBA Trust is intended to be tax-exempt under section 501(c)(9) of the Internal Revenue Code, as amended, and, as a trust holding assets of plans subject to ERISA, will itself be subject to ERISA's fiduciary responsibility standards.

The VEBA Trust will have three separate retiree accounts, designed to segregate payments attributable to GM, Ford, and Chrysler, pursuant to the terms of each company's settlement agreement with the UAW and each respective class. Each retiree account will be a separate, dedicated account, to be used for the sole purpose of funding benefits provided under the separate plans providing health benefits to the retirees of GM, Ford and Chrysler, and defraying the reasonable expenses of each plan. Each retiree account will contain a separate sub-account maintained to hold any employer security. Assets from one retiree account may not offset the liabilities or defray the expenses attributable to another retiree account. The VEBA Trust was structured in this way to allow for the pooled investment of assets and to provide economies of scale to the respective plans' investments, while maintaining a separate plan for each of the three retiree classes. Unless the Committee decides to establish segregated investment vehicles for specific separate retiree accounts, the assets of the separate retiree accounts, other than any employer security sub-account, will be invested on a pooled basis within the VEBA Trust.

Under the terms of the Modified Settlement Agreement, the assets New GM transfers or causes to be transferred to the New GM VEBA Plan will be credited to the GM retiree account in the VEBA Trust (the ''General Motors Company Separate Retiree Account''). The transferred assets and remittances of, or attributable to, the GM UAW retirees will be professionally managed and reinvested and will pay benefits and New GM VEBA Plan expenses under the New GM VEBA Plan. The transferred securities issued by New GM will be held in a separate sub-account (the ''General Motors Company Employer Security Sub-Account'') of the General Motors Company Separate Retiree Account and will be managed by an independent fiduciary.

The Committee

The Committee acts as the plan administrator and named fiduciary with respect to the New GM VEBA Plan, and appoints the trustee, the independent fiduciary and all investment managers of the VEBA Trust's assets. The Committee is comprised of eleven

such plan. In the Applicant's view, Congress did not intend the party in interest definition to include the government of the United States or a Cabinet Department of its Executive Branch. In the Department's view, section 3(14) does not apply to the U.S. Treasury in connection with its ownership interest in New GM because a contrary interpretation would conflict with section 514(d) of ERISA. That section provides, in part, that ''[n]othing in [title I] shall be construed to alter, amend, modify, invalidate, impair, or supersede any law of the United States * * *'' If the U.S. Treasury were to be a party in interest with respect to a plan subject to ERISA, then ERISA would prohibit almost any transaction between that plan and the Federal government arising under a federal statutory framework other than ERISA. Accordingly, the Department concurs with the Applicant's conclusion that the U.S. Treasury is not a party in interest under ERISA.

[6] As of the date of the bankruptcy filing, approximately 751,700 hourly retirees and dependents in the U.S. received retiree health benefits from Old GM. Of this total, approximately 699,000 are hourly retirees and spouses, surviving spouses and eligible dependents represented by the UAW. Additionally, approximately 78,000 UAW-represented active employees had attained seniority as of September 14, 2007, and will, upon retirement, be covered by the New GM VEBA Plan.

individuals, consisting of two groups: Six Independent Members and five UAW Members. The initial Independent Members were approved by the district court in Henry II and the UAW Members were appointed by the UAW. The Modified Settlement Agreement maintains these appointments. Neither Old GM nor New GM has any appointment power, and the Committee will function completely independently of both. No member of the Committee may be a current or former officer, director or employee of Old GM, New GM, Ford, Chrysler, or Chrysler Group, with the following exceptions: (i) A retiree who was represented by the UAW in his or her employment with either Old GM, New GM, Ford, Chrysler, or Chrysler Group, may be a UAW Member of the Committee, and (ii) an employee of Old GM, New GM, Ford, Chrysler, or Chrysler Group who is on leave from the company and is represented by the UAW, may be a UAW Member of the Committee. None of the Independent Members nor any of their family members, employers or partners may have any financial or institutional relationship with either Old GM, New GM, Ford, Chrysler, or Chrysler Group if such relationship could reasonably be expected to impair such Independent Member's exercise of independent judgment.

The UAW Members serve at the discretion of the UAW International President and may be removed or replaced, and a successor designated, at any time by written notice by the UAW International President to the Committee. Independent Members serve for a term of three years, except two of the initial Independent Members will have an initial term of two years, and another two will have an initial term of one year. Independent Members may serve more than one term. An Independent Member will serve on the Committee until expiration of his or her term, or his or her death, incapacity to serve, resignation or removal. An Independent Member may be removed or replaced, and a successor designated, at any time by an affirmative vote of nine of the other members of the Committee. In the event of a vacancy in the group of Independent Members, whether by expiration of a term, resignation, removal, incapacity, or death, a successor Independent Member will be elected by the affirmative vote of nine members. If a successor Independent Member is not appointed within a reasonable time after a vacancy, an arbitrator may be appointed, upon application of any member, to appoint a successor Independent Member to the Committee.

A majority of the members of the Committee then in office shall constitute a quorum for the purpose of transacting any business; provided that at least one Independent Member and one UAW Member are present. Each Member of the Committee present at the meeting shall have one vote. Generally, actions of the Committee shall be by majority vote of the entire Committee, provided that at least one Independent Member and one Union Member must be a Member in the majority for any Committee action to take effect.

The Committee will select a chair from among its members. The term of the chair will continue until he or she ceases to be a member, resigns as chair or is replaced as chair with another member by majority vote among the remaining members.

Old GM and New GM Role

Neither Old GM nor New GM will have any role in the governance, management and operations of the New GM VEBA Plan. Old GM and New GM will not be fiduciaries or have any ability to appoint any member of the Committee, and the Committee is not authorized to act for Old GM or New GM and is not an agent or representative of Old GM or New GM for any purpose.

Pursuant to the Modified Settlement Agreement, New GM will cooperate with the UAW and the Committee and at the Committee's request will undertake reasonable actions to assist the Committee in the orderly transition of responsibility for administration of retiree medical benefits from the Old GM Plan, or New GM Plan, as applicable, to the New GM VEBA Plan. Such cooperation may include assisting the Committee in educational efforts and other communications to the Class and Covered Group so that they understand the terms of the New GM VEBA Plan and the shift of coverage for the Class and Covered Group from the Old GM Plan, or New GM Plan, as applicable, to the New GM VEBA Plan, and understand the claims submission process and any other initial administrative changes undertaken by the Committee. At the Committee's request and as permitted by law, New GM will furnish to the Committee such information and will provide such cooperation as may be reasonably necessary to permit the Committee to effectively administer the New GM VEBA Plan. At the request of the Committee, and subject to reimbursement for reasonable costs, New GM will continue to perform the necessary eligibility work for a reasonable period of time, not to exceed 90 days after the Implementation Date, in order to allow the Committee to establish and test the eligibility database. New GM will also assist the Committee in transitioning benefit provider contracts to the New GM VEBA Plan.

To the extent permitted by law, New GM will allow pension plan participants to voluntarily authorize the withholding of required contributions under the New GM VEBA Plan from pension benefits, and, to the extent reasonably practical, crediting such amounts to the General Motors Company Separate Retiree Account of the VEBA Trust on a monthly basis (the Contribution Withholding). A pension plan participant may elect or withdraw consent for the Contribution Withholding at any time by providing 45 days written notice to the plan administrator of the General Motors Hourly-Rate Employees Pension Plan or such shorter period as may be required by law. New GM also will cooperate with the Committee to make provision for the VEBA Trust payments of the covered benefit related to Medicare Part B premiums to be incorporated into the monthly New GM pension checks for eligible retirees and surviving spouses participating in the New GM VEBA Plan (the Part B Payment).

The New GM VEBA Plan will be responsible for the payment of reasonable costs associated with New GM's administration of payment of the Contribution Withholdings and the Part B Payment. The Applicant asserts that, to the extent these payments are prohibited transactions, the statutory exemption for the provision of services provided by section 408(b)(2) of ERISA provides relief from the prohibited transaction restrictions of section 406(a) of ERISA.

ERISA section 408(b)(2) provides relief for the ''[c]ontracting or making reasonable arrangements with a party in interest for office space, or legal, accounting or other services necessary for the establishment or operation of the plan, if no more than reasonable compensation is paid therefor.'' Under the Department's regulations, a service is necessary for the establishment or operation of a plan if the service is ''appropriate and helpful to the plan obtaining the service in carrying out the purposes for which the plan is established or maintained.'' 29 CFR section 2550.408(b)(2).

According to the Applicant, the Contribution Withholding is helpful to the New GM VEBA Plan as it reduces expenses associated with processing of participant contributions and

investigating delinquent contributions. This service is also helpful to participants as it assures that contributions are received on time, and without the need to mail a check monthly to the New GM VEBA Plan. Accordingly, the Contribution Withholding is appropriate and helpful to the New GM VEBA Plan in carrying out its purpose because it reduces expenses and aids in making sure participants receive benefits without interruption.

With respect to the Part B Payment, the Applicant states that it is appropriate and helpful to the New GM VEBA Plan as it allows the New GM VEBA Plan to take advantage of an existing system in order to incorporate a defined, monthly payment to participants into pension checks that participants are already receiving. This obviates the need for the New GM VEBA Plan to develop its own distribution system and undertake the expense of mailing monthly checks to all participants. Accordingly, the Part B Payment also reduces expenses of the New GM VEBA Plan, which helps conserve the amount of resources available to provide benefits.

The Applicant further represents that the costs of the Contribution Withholding and the Part B Payment have not yet been determined. However, the Committee will be subject to ERISA's fiduciary responsibility rules when determining the cost structure, and the Modified Settlement Agreement states that both services will only be provided to the extent permitted by law, and a cost that is not reasonable would not permitted by law.

In the Department's view, relief under section 408(b)(2) would be available for these services provided the conditions of that exemption are satisfied. Ultimately it is the responsibility of the Committee to determine whether the services provided by New GM satisfy all of the conditions set forth in the statutory exemption and pertinent regulations.

Payments to the New GM VEBA Plan

As described more fully below, under the Modified Settlement Agreement, New GM transferred to the New GM VEBA Plan (i) New GM Common Stock representing 17.5% of New GM's common equity, (ii) New GM preferred stock with a value of $6.5 billion, (iii) a note for $2.5 billion, (iv) warrants entitling the New GM VEBA Plan to acquire an additional 2.5% of New GM Common Stock, and (v) all of the assets in the ''UAW–Related Account'' of the Internal VEBA.[7] Additionally, as contemplated by section 12.C. of the Modified Settlement Agreement, the approval order in the bankruptcy case directed that the assets in the Mitigation VEBA be transferred to the New GM VEBA Plan.

Common Stock

As of the closing of the Section 363 Sale, New GM issued 87,500,000 shares of New GM Common Stock, representing 17.5% of its common stock, to the New GM VEBA Plan. The New GM Common Stock will be held in the General Motors Company Employer Security Sub-Account in the General Motors Company Separate Retiree Account of the VEBA Trust. Any exercise of warrants after the Section 363 Sale will dilute all stock holders ratably. The New GM Common Stock will be transferable, in whole or in part, at any time subject to certain conditions that are contained in the Stockholders Agreement by and among New GM, the U.S. Treasury, the New GM VEBA Plan, and the governments of Canada and Ontario (''Canada'') (''Stockholders Agreement''). Pursuant to the Stockholders Agreement and the Equity Registration Rights Agreement by and among New GM, the U.S. Treasury, Canada, the New GM VEBA Plan and Old GM (the Registration Rights Agreement), the New GM VEBA Plan will have demand, shelf, and piggyback registration rights with respect to the New GM Common Stock that are substantially consistent with the registration rights that are held by the U.S. Treasury, Canada and the Old GM unsecured creditors.

Preferred Stock

As of the closing of the Section 363 Sale, New GM transferred to the New GM VEBA Plan $6.5 billion of Series A cumulative perpetual preferred stock (''Preferred Stock''). The Preferred Stock is from the same series of preferred stock that was issued to the U.S. Treasury and Canada. The Preferred Stock will be held in the General Motors Company Employer Security Sub-Account in the General Motors Company Separate Retiree Account of the VEBA Trust. The Preferred Stock will be transferable, in whole or in part, at any time subject to certain conditions that are contained in the Stockholders Agreement. The Preferred Stock carries a 9% dividend rate per annum, and is payable quarterly in cash if, as, and when declared by New GM's Board. Each share of Preferred Stock will have a liquidation preference of $25. The Preferred Stock is not callable prior to December 31, 2014. The redemption price must be paid in cash.

The Preferred Stock will be senior to the New GM Common Stock and future preferred equity but junior to all existing and future debt. The New GM VEBA Plan will have demand, shelf, and piggyback registration rights with respect to the Preferred Stock that are substantially consistent with its registration rights with respect to the New GM Common Stock. The Preferred Stock has no voting rights, except under the following circumstances, in which case the independent fiduciary will vote the shares. If dividends payable on the Series A preferred stock have not been paid for an aggregate of six quarters, the holders of the Series A preferred stock have the right, as a class, to elect two newly created directorships of New GM. In addition, a two-thirds majority vote of the Series A preferred stock is necessary to authorize the issuance of shares senior or pari passu to Series A preferred stock, amend the terms of Series A preferred stock, or approve a share exchange or reclassification of the Series A preferred stock or merger or consolidation involving New GM.

The Note

As of the closing of the Section 363 Sale, New GM issued to the New GM VEBA Plan a note (''Note'') with a principal amount of $2.5 billion. The Note will be payable in cash in three equal installments. Each payment will be in the amount of $1.384 billion and will be made on July 15 of the years 2013, 2015, and 2017. The Note is transferable at any time in whole or in part, subject to certain limited exceptions.

The Note ranks pari passu with notes that were issued to the U.S. Treasury and Canada in the aggregate principal amount of $8.0 billion. The New GM VEBA Plan will not have registration rights regarding the Note; however, if the notes issued to the U.S. Treasury and Canada are registered or registration rights are extended with respect to such notes, then the New GM VEBA Plan will have demand, shelf, and piggyback registration rights pertaining to the Note that are no less favorable than those pertaining to the U.S. Treasury or Canada notes. Other terms of the Note

[7] Pursuant to the Henry II Settlement Agreement, the Internal VEBA was divided into two bookkeeping accounts effective January 1, 2008; one with assets equal to the value of the Internal VEBA as of December 31, 2007, multiplied by the percentage of Old GM's hourly OPEB liability as of December 31, 2007, attributable to UAW represented employees, retirees, their eligible spouses, surviving spouses and dependents (the ''UAW–Related Account''), and the other account of the remaining assets, attributable to non-UAW represented individuals.

are no less favorable than the terms of the U.S. Treasury or Canada notes. The Note will be subordinate to any exit financing, including the U.S. Treasury delayed draw term loan, revolver or any other third party exit financing entered into with the consent of the U.S. Treasury.

Warrants

As of the closing of the Section 363 Sale, New GM transferred to the New GM VEBA Plan warrants to acquire 15,151,515 shares of New GM Common Stock representing 2.5% of its common equity on a fully diluted basis (''Warrants''). The Warrants will be held by the General Motors Company Employer Security Sub-Account in the General Motors Company Separate Retiree Account of the VEBA Trust, as will any New GM Common Stock acquired by exercise of the Warrants. The Warrants will be transferable, in whole or in part, at any time subject to certain conditions that are contained in the Stockholders Agreement. The strike price will be set at $126.92 per share representing a $75 billion equity value of New GM. The expiration date for the Warrants will be December 31, 2015.

The Warrants will contain other terms which the Applicant represents are typical for securities of this type, including anti-dilution, and partial and cashless exercise provisions. The New GM VEBA Plan has registration rights with respect to the Warrants (and the New GM Common Stock underlying the Warrants) that are consistent with its registration rights with respect to the New GM Common Stock and the Preferred Stock.

Transfer of Assets From UAW-Related Account of the Internal VEBA

The Internal VEBA is the General Motors Welfare Benefit Trust that is maintained by Old GM as a source of funding for various retiree welfare benefit plans, including the Old GM Plan. Pursuant to the Henry II Settlement Agreement, the Internal VEBA was divided into two bookkeeping accounts effective January 1, 2008: the UAW-Related Account, as described above in footnote 7, and the other account of the remaining assets, attributable to non-UAW represented individuals. As of March 31, 2009, the UAW-Related Account had an estimated asset value of approximately $9.4 billion.

Until the UAW-Related Account is transferred to the VEBA Trust, the assets of the Internal VEBA will continue to be invested under the existing investment policy, with investment returns, net of expenses, applied proportionally to the value of the UAW-Related Account. The appropriate New GM Plan fiduciary will direct the trustee of the Internal VEBA to transfer the UAW-Related Account to the VEBA Trust within 10 days after the Implementation Date. At the time of transfer, pursuant to the Modified Settlement Agreement, an amount equal to the UAW-Related Account's share of expenses (to the extent permitted by ERISA) will be retained within the Internal VEBA to pay such expenses. After payment of these expenses is completed, a reconciliation of the amount retained and the actual expenses will be performed. The Internal VEBA will then pay the VEBA Trust for any amount over withheld, or the VEBA Trust will pay the Internal VEBA for any amount under withheld (a ''true-up'').

Transfer of Assets, Via the Bankruptcy Approval Order, From the Mitigation VEBA

The Mitigation VEBA was created in connection with the settlement in Henry I, and was established through a trust agreement between State Street Bank and Trust Company and Old GM. The Mitigation VEBA was intended to be a source of ''mitigation'' payments to Old GM Plan participants to lessen the impact of the new cost-sharing provisions implemented under the Henry I settlement agreement.[8] As of April 30, 2009, the Mitigation VEBA had an estimated asset value of $1.025 billion. Until the assets and liabilities of the Mitigation VEBA are transferred to the VEBA Trust, its value will be affected by certain additional contributions and by income (including investment returns) offset by mitigation payments and expenses. Pursuant to the Modified Settlement Agreement, the Mitigation VEBA assets will be transferred to the New GM VEBA Plan within 15 days after the Implementation Date, and the Mitigation VEBA will be terminated.

Covered Transactions

The Applicant seeks exemptive relief for two sets of transactions. The first set of transactions involves the transfer by New GM to the New GM VEBA Plan of the securities described above, and the second set of transactions involves asset transfers to and from the New GM VEBA Plan necessitated by the transition of benefit payment responsibility from one plan to another, or due to mistaken deposits into the New GM VEBA Plan.

With respect to the transfer of New GM securities to the New GM VEBA Plan, the Applicant states that, following months of negotiations involving the UAW, Class Counsel, Old GM, the U.S. Treasury, and other Old GM debt holders, the transaction embodies the only feasible mechanism to ensure that assets are dedicated to, and held in the New GM VEBA Plan solely for use as retiree health care benefits (and related reasonable expenses). Class Counsel supported the Applicant's request for exemptive relief described herein.

1. Transfer of New GM Securities

The Applicant requests relief from sections 406(a)(1)(E), 406(a)(2), and 407(a) of ERISA for the acquisition and holding by the New GM VEBA Plan of the New GM Common Stock, the Preferred Stock, the Note and the Warrants (the Securities). Additionally, the Department has proposed relief from section 406(a)(1)(A) for the disposition of the Securities, in the event that the Securities are sold in a transaction involving a party in interest.

Section 406(a)(1)(E) prohibits a fiduciary from causing a plan to engage in a transaction, if he knows or should know that such transaction constitutes the direct or indirect acquisition, on behalf of a plan, of any employer security in violation of section 407(a). Section 406(a)(2) prohibits a fiduciary who has authority or discretion to control or manage the assets of a plan from permitting the plan to hold any employer security if he knows or should know that holding such security violates section 407(a).

Section 407(a)(1) states that a plan may not acquire or hold any ''employer security'' that is not a ''qualifying employer security.'' Section 407(a)(2) states that a plan may not acquire any qualifying employer security (or qualifying employer real property) if immediately after such acquisition the aggregate fair market value of employer securities (and employer real property) held by the plan exceeds 10 percent of the fair market value of the assets of the plan.

According to the Applicants, when the New GM VEBA Plan acquired the New GM Common Stock, the Preferred Stock, the Note and the Warrants, each asset might not have been a ''qualifying employer security'' within the meaning of section 407(d)(5) and therefore the acquisition of each would not be permitted under section 406(a). Additionally, the Applicants note that even if the New GM Common Stock, the

[8] The Mitigation VEBA is the subject of Prohibited Transaction Exemption 2009–03, 74 FR 3645 (Jan. 21, 2009), which provided relief for certain cash advances and ''true ups'' between GM and the Mitigation VEBA related to administration of the Mitigation VEBA.

Preferred Stock, the Note and the Warrants were considered qualifying employer securities, the aggregate fair market value of employer securities held by the New GM VEBA Plan would exceed the 10 percent limitation in section 407(a)(2). Finally, Applicants request relief from the provisions of sections 406(a)(1)(E), 406(a)(2) and 407(a) for the future exercise of the Warrants by the New GM VEBA Plan. When, and if, the New GM VEBA Plan's Warrants are exercised, New GM Common Stock will be acquired and may not constitute a qualifying employer security within the meaning of section 407(d)(5), and, immediately after the acquisition of the New GM Common Stock due to the exercise of the Warrants, the aggregate fair market value of employer securities held by the New GM VEBA Plan may exceed 10 percent of the fair market value of its assets.

Section 406(a)(1)(A) prohibits the sale, exchange or leasing of any property between a plan and a party in interest. The Department is proposing relief from that provision in the event the Securities are disposed of in a transaction with a party in interest.

2. Transition Payments

Benefit Payments and Reimbursements

The Applicant requests exemptive relief from the prohibitions of sections 406(a)(1)(B) and 406(a)(1)(D) of ERISA for certain payments and reimbursements between Old GM, New GM, the Old GM Plan, the New GM Plan and the New GM VEBA Plan.

ERISA section 406(a)(1)(B) prohibits a fiduciary from causing a plan to engage in a transaction if he knows or should know that such transaction constitutes a direct or indirect lending of money or other extension of credit between a plan and a party in interest. ERISA section 406(a)(1)(D) prohibits a fiduciary from causing a plan to engage in a transaction if he knows or should know that such transaction constitutes a direct or indirect transfer to, or use by or for the benefit of, a party in interest, of any assets of the plan.

Prior to the Section 363 Sale, the Old GM Plan provided benefits to, among others, individuals who ultimately will be covered by the New GM VEBA Plan. The New GM Plan currently provides benefits to most of these same individuals from the date of the Section 363 Sale until the Implementation Date of the New GM VEBA Plan. The New GM VEBA Plan will have sole responsibility and be the exclusive source of funds for the payment of retiree medical benefits to the Class and Covered Group, with respect to benefit claims incurred after the Implementation Date.

Under certain circumstances connected to the transition, Old GM, New GM, the Old GM Plan, the New GM Plan, and the New GM VEBA Plan may arguably extend credit or transfer plan assets to one another in order to pay benefit claims that are the legal responsibility of another one of those five parties (the ''Responsible Party'').[9] The Applicant asserts that mispayments and reimbursements are likely to occur in the normal course due to the administrative realities of health care payments and the shifting of plan responsibilities between multiple plans in a short period of time.

The Applicant provides the following examples of transactions that would require relief under the requested exemption. A UAW retiree is incorrectly classified as an IUE–CWA retiree and is receiving retiree medical benefits in accordance with the New GM Plan, paid directly by New GM. The misclassification is discovered on September 1, 2010, and the New GM VEBA Plan reimburses New GM for the payments relating to claims incurred on or after January 1, 2010. Or, a member of the Covered Group receives medical care on December 28, 2009, thereby incurring a claim under the New GM Plan. However, in April of 2010, the claim is presented to and paid by the New GM VEBA Plan. The New GM VEBA Plan would be reimbursed by the New GM Plan.

In such event, the Responsible Party will reimburse the payor for such benefits, plus interest. According to the Applicant, payment by a payor of benefits for claims incurred after benefit responsibility has been transferred arguably is an extension of credit between the payor and the Responsible Party that is prohibited under section 406(a)(1)(B). Payment by the Responsible Party to the payor as reimbursement for these paid claims arguably is a transfer of plan assets to a party in interest that is prohibited under 406(a)(1)(D).

Deposits by Mistake

The Applicant likewise seeks relief from section 406(a)(1)(D) of ERISA for return of mistaken payments to the New GM VEBA Plan, with interest.

Under the last paragraph of section 12 of the Modified Settlement Agreement, any deposit made to the New GM VEBA Plan by mistake will be returned (with earnings) within 30 days of notice to the Committee of the mistake, to the extent permitted by law. The Applicant is concerned that this could be viewed as involving a prohibited transfer of plan assets to a party in interest. Accordingly the Applicant requests exemptive relief for this transaction.

Conditions Related to the Transfer of New GM Securities to the New GM VEBA Plan: The Independent Fiduciary

Pursuant to the trust agreement of the VEBA Trust, the Committee will appoint an independent fiduciary to manage the General Motors Company Employer Security Sub-Account (''Independent Fiduciary''). The Independent Fiduciary will be a ''named fiduciary'' and ''investment manager'' as both terms are defined in ERISA, with complete discretion regarding the holding, ongoing management, and disposition of any New GM security (*i.e.,* the New GM Common Stock, Preferred Stock, Note and Warrants) acquired and held by the New GM VEBA Plan.

The Independent Fiduciary does not have discretion with respect to certain other aspects of the Securities. First, because the New GM VEBA Plan acquired the Securities by virtue of the Section 363 Sale, the Independent Fiduciary had no discretion regarding the acquisition of the Securities. Additionally, under the Stockholders Agreement, the New GM Common Stock held by the New GM VEBA Plan must be voted in the same proportion as votes cast by other stockholders. Therefore, the Independent Fiduciary will have no responsibility for the voting of the New GM Common Stock.

The Independent Fiduciary must be independent of and unrelated to Old GM, New GM, the UAW and the Committee. This will not be the case if (1) such fiduciary directly or indirectly controls, is controlled by, or is under common control with Old GM, New GM, the UAW, the Committee or their affiliates, (2) such fiduciary directly or indirectly receives any compensation or other consideration from Old GM, New GM, the UAW or any Committee member in his or her individual capacity in connection with any transaction described in this exemption (except that an independent fiduciary may receive compensation from the Committee or the New GM VEBA Plan for services provided to the New GM VEBA Plan in connection with the transactions discussed herein if the amount or payment of such compensation is not contingent upon or in any way affected by the independent fiduciary's ultimate decision), and (3)

[9] Under section 5A of the Modified Settlement Agreement, claims incurred on or before the Implementation Date will be paid by Old GM or New GM, as applicable, in accordance with the New GM Plan.

the annual gross revenue received by the fiduciary, in any fiscal year, from Old GM, New GM, the UAW or a member of the Committee in his or her individual capacity, exceeds 3% of the fiduciary's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year.[10]

The Independent Fiduciary may be removed by the Committee on 30 days written notice only for cause.[11] The removal will be effective as specified in the written notice, provided that the Independent Fiduciary has been given notice of the appointment of a successor independent fiduciary. No successor will be appointed in the event the New GM VEBA Plan ceases to hold any employer security. In the event that the New GM VEBA Plan subsequently acquires or holds an employer security and no appointment of a successor independent fiduciary has been made, any court of competent jurisdiction may, upon application by the retiring independent fiduciary, appoint a successor after such notice to the Committee and the retiring independent fiduciary.

The Committee delegated to a subcommittee (*i.e.,* three Committee members) the responsibility to retain an Independent Fiduciary on behalf of the New GM VEBA Plan. The subcommittee initially determined to proceed with the assumption that the interests of each plan whose assets are held by the VEBA Trust would be best served by seeking to retain a single qualified Independent Fiduciary to represent all three plans (providing health benefits, respectively, to retirees of Chrysler, GM and Ford). However, the subcommittee recognizes the possibility that engaging multiple Independent Fiduciaries may turn out to be the better option.

The subcommittee intends, as part of the interview process for potential candidates for the Independent Fiduciary appointment, to question the candidates on the nature and likelihood of potential conflicts of interest, the appropriate means of monitoring and communicating actual or potential conflicts, including whether the candidates currently have formal conflict monitoring procedures, and mechanisms for dealing with actual or potential conflicts as they are identified. After reviewing the candidates' qualifications, capacity to represent all three plans, willingness to do so, and other relevant factors, in consultation with counsel, the subcommittee anticipates making a final determination as to whether to hire one Independent Fiduciary or multiple Independent Fiduciaries.

The subcommittee will work with the Independent Fiduciary candidate(s) to develop procedures to identify, minimize and address conflicts of interest as they arise. Specifically, in the event that a single Independent Fiduciary is appointed, the subcommittee will engage a ''conflicts monitor'' to (i) develop a process for identifying potential conflicts, (ii) to regularly review the Independent Fiduciary reports, investment banker reports, and public information regarding the companies, to identify the presence of factors that could lead to a conflict, and (iii) further question the Independent Fiduciary when appropriate.

Additionally, the subcommittee will be prepared to replace the Independent Fiduciary in the event of an actual and irreconcilable conflict of interest.

Finally, the subcommittee will require the Independent Fiduciary to adopt a written policy regarding conflicts of interest. Such policy will require that, as part of the Independent Fiduciary's periodic reporting to the Committee, the Independent Fiduciary includes a discussion of actual or potential conflicts identified by the Independent Fiduciary and options for avoiding or resolving the conflict.

A separate investment bank will be retained with respect to each of the three plans comprising the VEBA Trust. The investment bank's initial recommendations would be made solely with the goal of maximizing the returns for the single plan that owns the securities for which the investment bank is responsible. If the Independent Fiduciary deviated from such initial recommendations, it would find it necessary to explain why it deviated from a recommendation; additionally, such a deviation would be a way for the Committee or its designee to flag possible conflicts of interest in advance. Any contract between the Independent Fiduciary and an investment banker will include an acknowledgement by the investment banker that the investment banker's ultimate client is an ERISA plan.

The Independent Fiduciary will comply with the following additional conditions. The Independent Fiduciary will authorize the trustee of the New GM VEBA Plan to dispose of the New GM Common Stock (including shares of New GM Common Stock acquired pursuant to exercise of the Warrants), the Preferred Stock, the Note, or exercise the Warrants, only after the Independent Fiduciary determines, at the time of the transaction, that the transaction is feasible, in the interest of the New GM VEBA Plan, and protective of the participants and beneficiaries of the New GM VEBA Plan.

The Independent Fiduciary will negotiate and approve on behalf of the New GM VEBA Plan any transactions between the New GM VEBA Plan and any party in interest involving the Securities that may be necessary in connection with the subject transactions (including but not limited to the registration of the securities contributed to the New GM VEBA Plan).

[10] The Department notes that candidates for the position of Independent Fiduciary to the New GM VEBA Plan may be affiliated with entities that provide services to Old GM, New GM, Ford, Chrysler or Chrysler Group or their affiliates. It is the responsibility of the Committee to determine whether such affiliations are likely to affect the judgment of the candidate in performing its services as Independent Fiduciary.

[11] Cause is defined in the Independent Fiduciary Agreement as: (i) Any disqualifying event described in ERISA section 411; (ii) Determination by any court, arbitrator or government regulatory body that the Independent Fiduciary has violated any civil or criminal law (including, but not limited to, securities, antitrust or ERISA) in connection with the performance of its responsibilities to the VEBA Trust. For purposes of avoidance of doubt in connection with this and the subsequent subparagraph, a ''determination'' shall mean any written judgment, order or decree; court-approved settlement; arbitration award; or enforcement action of a government regulatory body or SRO, in the form of a written sanction, claim, demand or opinion, whether or not appealable; (iii) Determination by any court, arbitrator or government regulatory body that the Independent Fiduciary has materially breached the terms of its engagement, whether or not appealable; (iv) Any action by the Independent Fiduciary that results in imposition of a civil or criminal sanction, any prohibited transaction excise tax, or any civil judgment or award of damages, on the VEBA Trust, the Committee, the trustee, or their respective employees, officers directors or owners (whether or not subject to indemnity by the Independent Fiduciary, an insurer, or any other person); (v) Termination, resignation, or death of the Independent Fiduciary principal or officer assigned to serve as the relationship principal with respect to the VEBA Trust, or the inability of such person to perform his or her duties for a continuous period of more than 30 days; (vi) Any change of ownership of the Independent Fiduciary that constitutes an ''assignment'' of the Independent Fiduciary's contract with the VEBA Trust, within the meaning of the Investment Advisers Act; (vii) Failure of the Independent Fiduciary to qualify as an ''investment manager'' within the meaning of ERISA section 3(38); (viii) Any change in the clientele, business or ownership of the Independent Fiduciary that results in an actual conflict of interest; (ix) Failure of the Independent Fiduciary to take into account the legitimate needs of the VEBA Trust for liquidity to pay benefits; (x) Violation of any conditions imposed on the Independent Fiduciary under the terms of the prohibited transaction exemption issued by the Department; (xi) Any other action or inaction of the Independent Fiduciary that the Committee determines to be a material breach of the Independent Fiduciary's agreement or any law, or is likely to result in an irreconcilable conflict; (xii) Any circumstance that leads the Committee to reasonably conclude that the termination of the Independent Fiduciary and replacement by a successor Independent Fiduciary is in the financial interest of the VEBA Trust, provided that the Committee documents the reasons for the termination.

The Independent Fiduciary will discharge its duties consistent with the terms of the New GM VEBA Plan, the trust agreement, the Independent Fiduciary's agreement, and any other documents governing the employer securities, such as the Registration Rights Agreement.

The New GM VEBA Plan may not incur any fees, costs or other charges (other than described in the trust agreement and the Modified Settlement Agreement) as a result of the transactions exempted herein.

The terms of any transaction exempted herein must be no less favorable to the New GM VEBA Plan than the terms negotiated at arms' length under similar circumstances between unrelated parties.

Conditions Related to Transition Payments

The conditions for reimbursements of mispayments require the following procedure for audit and reconciling payments. The Applicants state that given the rapidity of the shifts in responsibility from the Old GM Plan to the New GM Plan, and from the New GM Plan to the New GM VEBA Plan, it is unlikely that any review will be undertaken until at least three months following the Implementation Date.

The Committee and an independent third party administrator of the New GM VEBA Plan will review benefit payments paid during the transition period and determine the dollar amount of any mispayments made, subject to the review and approval of the New GM VEBA Plan's independent auditor. The results of this review will be made available to Old GM and New GM.

Old GM and New GM will perform similar reviews with respect to the Old GM Plan and the New GM Plan. Old GM and New GM will provide the results of their reviews to the Committee.

Interest on any reimbursed mispayment will accrue from the date of the mispayment to the date of the reimbursement. Interest will be determined using the applicable OPEB discount rate. The OPEB discount rate is a rate used to discount projected future OPEB benefits payment cash flows to determine the present value of the OPEB obligation.[12] The rate is developed by New GM's Treasurer's office, working in conjunction with New GM's independent auditor, Deloitte & Touche. The discount rate's validity is attested to by Deloitte & Touche, and is disclosed in New GM's annual 10K filing with the Securities and Exchange Commission.

If there is a dispute as to the amount of the mispayment and/or reimbursement, undisputed amounts will be paid and the parties will enter into a dispute procedure set forth in section 26D of the Modified Settlement Agreement. Specifically, the parties exchange written notices concerning the dispute and, within 21 days, meet and attempt to resolve the dispute. If the parties are unable to resolve the dispute within 30 days of the meeting, either party can demand arbitration.

In the case of a mistaken deposit to the New GM VEBA Plan, New GM would make a claim to the Committee regarding the specific deposit or transfer made in error or made in an amount greater than that to which the New GM VEBA Plan was entitled. The claim must be made within the Verification Time Period, which is defined as follows in Section VI(r) of the proposed exemption.

> The term ''Verification Time Period'' means: (i) with respect to all Securities other than the Note, the period beginning on the date of publication of the final exemption in the Federal Register and ending 60 calendar days thereafter; (ii) with respect to each payment pursuant to the Note, the period beginning on the date of the payment and ending 90 calendar days thereafter; (iii) with respect to the UAW-Related Account of the Internal VEBA, the period beginning on the date of publication of the final exemption in the Federal Register (or, if later, the date of the transfer of the UAW-Related Account to the New GM VEBA Plan) and ending 180 calendar days thereafter; and (iv) with respect to the Mitigation VEBA, the period beginning on the date of publication of the final exemption in the Federal Register and ending 60 calendar days thereafter.

Accordingly, any claim regarding a mistake with respect to the New GM Common Stock, the Preferred Stock, the Warrants or the transfer of the assets from the Mitigation VEBA must be made within 60 days of the date of publication of the final exemption in the **Federal Register**. A claim regarding a mistake with respect to a payment made pursuant to the Note must be made within 90 days of the date of the payment. A claim regarding a mistake with respect to the transfer of assets of the UAW-Related Account of the Internal VEBA must be made within 180 days of the date of publication of the final exemption in the Federal Register (or, if later, from the date of the transfer of the UAW-Related Account to the New GM VEBA Plan). The Applicant requests a longer period for the assets of the UAW-Related Account of the Internal VEBA due to the difficulty in determining the value of some of the assets held by the Internal VEBA.

Interest on any mistaken deposit will accrue from the date of the mistaken deposit to the date of the repayment. Interest will be determined using the applicable OPEB discount rate, described above. In the event of a dispute, the procedure set forth in section 26D of the Modified Settlement Agreement, described above, would apply.

Statutory Findings

The Applicant makes the following statements regarding the Department's required findings under section 408(a) of ERISA that the exemption is administratively feasible, in the interests of the New GM VEBA Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the New GM VEBA Plan.

The exemption transactions are administratively feasible because they are relatively simple and straight-forward, easy to monitor, and involve the management of the Securities by the Independent Fiduciary.

The exemption transactions are in the interest of the New GM VEBA Plan's participants and beneficiaries and protective of their rights because they embody the only feasible mechanism to ensure that assets are dedicated to, and held in the New GM VEBA Plan solely for use as retiree health care benefits (and reasonable related expenses). The Independent Fiduciary will represent the interests of the participants and beneficiaries of the New GM VEBA Plan by exercising the sole discretion regarding the management and disposition of the New GM securities.

Notification of Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other

[12] OPEB means Other Post-Employment Benefits, and typically includes retiree healthcare benefits, life insurance, tuition assistance, day care, legal services and the like.

provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the exemption.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the following exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990), as follows:

Section I—Covered Transactions

(a) If the exemption is granted, the restrictions of sections 406(a)(1)(A), 406(a)(1)(B), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2) and 407(a) of ERISA shall not apply, effective July 10, 2009, to:

(1) The acquisition by the UAW General Motors Company Retiree Medical Benefits Plan (the New GM VEBA Plan) and its associated UAW Retiree Medical Benefits Trust (the VEBA Trust) of: (i) 87,500,000 shares of common stock of General Motors Company (New GM) (the New GM Common Stock) representing 17.5% of New GM equity; (ii) $6.5 billion of Series A Fixed Rate Cumulative Perpetual Preferred stock of New GM (the Preferred Stock); (iii) a note issued by New GM with a principal amount of $2.5 billion (the Note); and (iv) warrants to acquire New GM Common Stock representing 2.5% of New GM equity (the Warrants) (collectively, including any additional shares of New GM Common Stock acquired pursuant to the exercise of the Warrants, the Securities), transferred by New GM and deposited in the General Motors Company Employer Security Sub-Account of the General Motors Company Separate Retiree Account of the VEBA Trust.

(2) The acquisition by the New GM VEBA Plan of shares of New GM Common Stock pursuant to the exercise of the Warrants;

(3) The holding by the New GM VEBA Plan of the Securities in the General Motors Company Employer Security Sub-Account of the General Motors Company Separate Retiree Account of the VEBA Trust; and

(4) The disposition of the Securities.

(b) If the exemption is granted, the restrictions of sections 406(a)(1)(B), 406(a)(1)(D), 406(b)(1) and 406(b)(2) of ERISA shall not apply, effective July 10, 2009, to:

(1) The payment by Old GM, New GM, the Old GM Plan, the New GM Plan or the New GM VEBA Plan of a benefit claim that was the responsibility and legal obligation, under the terms of the applicable plan documents, of one of the other parties listed in this paragraph; and

(2) The reimbursement by Old GM, New GM, the Old GM Plan, the New GM Plan, or the New GM VEBA Plan, of a benefit claim that was paid by another party listed in this paragraph, which was not legally responsible for the payment of such claim, plus interest.

(c) If the exemption is granted, the restrictions of sections 406(a)(1)(B), 406(a)(1)(D), 406(b)(1) and 406(b)(2) of ERISA shall not apply, effective July 10, 2009, to the return to New GM of assets deposited or transferred to the New GM VEBA Plan by mistake, plus interest.

Section II—Conditions Applicable to Section I(a)

(a) The Committee appoints a qualified Independent Fiduciary to act on behalf of the New GM VEBA Plan for all purposes related to the transfer of the Securities to the New GM VEBA Plan for the duration of the New GM VEBA Plan's holding of the Securities. Such Independent Fiduciary will have sole discretionary responsibility relating to the holding, ongoing management and disposition of the Securities, except for the voting of the New GM Common Stock. The Independent Fiduciary has determined or will determine, before taking any actions regarding the Securities, that each such action or transaction is in the interest of the New GM VEBA Plan.

(b) In the event that the same Independent Fiduciary is appointed to represent the interests of one or more of the other plans comprising the VEBA Trust (*i.e.,* the UAW Chrysler Retiree Medical Benefits Plan and/or the UAW Ford Retiree Medical Benefits Plan) with respect to employer securities deposited into the VEBA Trust, the Committee takes the following steps to identify, monitor and address any conflict of interest that may arise with respect to the Independent Fiduciary's performance of its responsibilities:

(1) The Committee appoints a ''conflicts monitor'' to: (i) Develop a process for identifying potential conflicts; (ii) regularly review the Independent Fiduciary reports, investment banker reports, and public information regarding the companies, to identify the presence of factors that could lead to a conflict; and (iii) further question the Independent Fiduciary when appropriate.

(2) The Committee adopts procedures to facilitate prompt replacement of the Independent Fiduciary if the Committee in its sole discretion determines such replacement is necessary due to a conflict of interest.

(3) The Committee requires the Independent Fiduciary to adopt a written policy regarding conflicts of interest. Such policy shall require that, as part of the Independent Fiduciary's periodic reporting to the Committee, the Independent Fiduciary includes a discussion of actual or potential conflicts identified by the Independent Fiduciary and options for avoiding or resolving the conflict.

(c) The Independent Fiduciary authorizes the trustee of the New GM VEBA Plan to dispose of the New GM Common Stock (including additional shares of New GM Common Stock acquired pursuant to exercise of the Warrants), the Preferred Stock, and/or the Note, or exercise the Warrants, only after the Independent Fiduciary determines, at the time of the transaction, that the transaction is feasible, in the interest of the New GM VEBA Plan, and protective of the participants and beneficiaries of the New GM VEBA Plan.

(d) The Independent Fiduciary negotiates and approves on behalf of the New GM VEBA Plan any transactions between the New GM VEBA Plan and any party in interest involving the Securities that may be necessary in connection with the subject transactions (including but not limited to the registration of the securities contributed to the New GM VEBA Plan).

(e) Any contract between the Independent Fiduciary and an investment banker includes an acknowledgement by the investment banker that the investment banker's ultimate client is an ERISA plan.

(f) The Independent Fiduciary discharges its duties consistent with the terms of the New GM VEBA Plan, the trust agreement, the Independent Fiduciary Agreement, and any other documents governing the employer securities, such as the Registration Rights Agreement.

(g) The New GM VEBA Plan incurs no fees, costs or other charges (other than described in the trust agreement and the Modified Settlement Agreement) as a result of the transactions exempted herein.

(h) The terms of any transaction exempted herein are no less favorable to the New GM VEBA Plan than the terms negotiated at arms' length under similar circumstances between unrelated parties.

Section III—Conditions Applicable to Section I(b)

(a) The Committee and the New GM VEBA Plan's third party administrator will review the benefits paid during the transition period and determine the dollar amount of mispayments made, subject to the review of the VEBA Trust's independent auditor. The results of this review will be made available to Old GM and New GM.

(b) Old GM and New GM and their respective plans' third party administrator(s) will review the benefits paid during the transition period and determine the dollar amount of mispayments made, subject to the review of the respective plans' independent auditor. The results of this review will be made available to the Committee.

(c) Interest on any reimbursed mispayment will accrue from the date of the mispayment to the date of the reimbursement.

(d) Interest will be determined using the applicable OPEB discount rate.[13]

(e) If there is a dispute as to the amount of a reimbursement requested, the parties will enter into a dispute procedure set forth in section 26D of the Modified Settlement Agreement.

Section IV—Conditions Applicable to Section I(c)

(a) New GM must make a claim to the Committee regarding the specific deposit or transfer made in error or made in an amount greater than that to which the New GM VEBA Plan was entitled.

(b) The claim is made within the Verification Time Period, as defined in Section VI(r).

(c) Interest on any mistaken deposit or transfer will accrue from the date of the mistaken payment to the date of the repayment.

(d) Interest will be determined using the applicable OPEB discount rate.

(e) If there is a dispute as to the amount of a mistaken payment, the parties will enter into a dispute procedure set forth in section 26D of the Modified Settlement Agreement.

Section V—Conditions Applicable to Section I(a), (b) and (c)

(a) The Committee and the Independent Fiduciary maintain for a period of six years from the date the Securities are transferred to the New GM VEBA Plan, and the shares of New GM Common Stock are acquired by the New GM VEBA Plan through the exercise of the Warrants, the records necessary to enable the persons described in paragraph (b) below to determine whether the conditions of this exemption have been met, except that (i) a separate prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Committee and/or the Independent Fiduciary, the records are lost or destroyed prior to the end of the six-year period, and (ii) no party in interest other than the Committee or the Independent Fiduciary shall be subject to the civil penalty that may be assessed under ERISA section 502(i) if the records are not maintained, or are not available for examination as required by paragraph (b) below; and

(b)(1) Except as provided in section (2) of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of ERISA section 504, the records referred to in paragraph (a) above shall be unconditionally available at their customary location during normal business hours to:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service;

(B) the UAW or any duly authorized representative of the UAW;

(C) New GM or any duly authorized representative of New GM;

(D) the Independent Fiduciary or any duly authorized representative of the Independent Fiduciary;

(E) the Committee or any duly authorized representative of the Committee; and

(F) any participant or beneficiary of the New GM VEBA Plan or any duly authorized representative of such participant or beneficiary.

Section VI—Definitions

(a) The term ''affiliate'' means: (1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person; (2) any officer, director, partner, or employee in any such person, or relative (as defined in section 3(15) of ERISA) of any such person; or (3) any corporation, partnership or other entity of which such person is an officer, director or partner. (For purposes of this definition, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.)

(b) The ''Committee'' means the eleven individuals consisting of six independent members and five UAW appointed members who will serve as the plan administrator and named fiduciary of the New GM VEBA Plan.

(c) The term ''New GM Common Stock'' means the shares of common stock, par value $0.01 per share, issued by New GM.

(d) The term ''General Motors Company Employer Security Sub-Account of the General Motors Company Separate Retiree Account of the VEBA Trust'' means the sub-account established in the General Motors Separate Retiree Account of the VEBA Trust to hold New GM securities on behalf of the New GM VEBA Plan.

(e) The term ''Implementation Date'' means December 31, 2009.

(f) The term ''Independent Fiduciary'' means a fiduciary that is (i) independent of and unrelated to Old GM, New GM, the UAW, the Committee, and their affiliates, and (ii) appointed to act on behalf of the New GM VEBA Plan with respect to the holding, management and disposition of the Securities. In this regard, the fiduciary will not be deemed to be independent of and unrelated to Old GM, New GM, the UAW, the Committee, and their affiliates if (1)

[13] OPEB means Other Post-Employment Benefits, and typically includes retiree healthcare benefits, life insurance, tuition assistance, day care, legal services and the like. The OPEB discount rate is a rate used to discount projected future OPEB benefits payment cash flows to determine the present value of the OPEB obligation.

such fiduciary directly or indirectly controls, is controlled by, or is under common control with Old GM, New GM, the UAW, the Committee or their affiliates, (2) such fiduciary directly or indirectly receives any compensation or other consideration from Old GM, New GM, the UAW or any Committee member in his or her individual capacity in connection with any transaction contemplated in this exemption (except that an independent fiduciary may receive compensation from the Committee or the New GM VEBA Plan for services provided to the New GM VEBA Plan in connection with the transactions discussed herein if the amount or payment of such compensation is not contingent upon or in any way affected by the independent fiduciary's ultimate decision), and (3) the annual gross revenue received by the fiduciary, in any fiscal year, from Old GM, New GM, the UAW or a member of the Committee in his or her individual capacity, exceeds 3% of the fiduciary's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year.

(g) The term ''Modified Settlement Agreement'' means The UAW Retiree Settlement Agreement between New GM and the UAW dated July 10, 2009.

(h) The term ''New GM'' means the company that acquired certain assets and liabilities of Old GM pursuant to the Section 363 Sale.

(i) The term ''Note'' means the note issued by New GM with a principal amount of $2.5 billion.

(j) The term ''New GM Plan'' means the retiree medical benefits plan maintained by New GM that provides benefits to most of the same individuals as are covered by the Old GM Plan, from the date of the Section 363 Sale until the Implementation Date of the New GM VEBA Plan.

(k) The term ''Old GM'' means the company that remains in bankruptcy protection after the Section 363 Sale.

(l) The term ''Old GM Plan'' means the retiree medical benefits plan maintained by Old GM that provided benefits to, among others, those who will be covered by the New GM VEBA Plan.

(m) The term ''Preferred Stock'' means shares of Series A Fixed Rate Cumulative Perpetual Preferred Stock, par value $0.01 per share, issued by New GM.

(n) The term ''Section 363 Sale'' means a sale under section 363 of Title 11 of the U.S. Code, by which on July 10, 2009, New GM succeeded to certain assets and liabilities of Old GM.

(o) The term ''Securities'' means (i) the New GM Common Stock; (ii) the Preferred Stock; (iii) the Note; (iv) the Warrants; and (v) additional shares of New GM Common Stock acquired pursuant to exercise of the Warrants.

(p) The term ''UAW'' means the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.

(q) The term ''Warrants'' means warrants to acquire shares of New GM Common Stock, par value $0.01 per share, issued by New GM.

(r) The term ''Verification Time Period'' means: (i) With respect to all Securities other than the Note, the period beginning on the date of publication of the final exemption in the **Federal Register** and ending 60 calendar days thereafter; (ii) with respect to each payment pursuant to the Note, the period beginning on the date of the payment and ending 90 calendar days thereafter; (iii) with respect to the UAW-Related Account of the Internal VEBA, the period beginning on the date of publication of the final exemption in the **Federal Register** (or, if later, the date of the transfer of the UAW-Related Account to the New GM VEBA Plan) and ending 180 calendar days thereafter; and (iv) with respect to the Mitigation VEBA, the period beginning on the date of publication of the final exemption in the **Federal Register** and ending 60 calendar days thereafter.

(s) The term ''VEBA'' means the UAW General Motors Company Retiree Medical Benefits Plan (the New GM VEBA Plan) and its associated UAW Retiree Medical Benefits Trust (the VEBA Trust).

(t) The term ''Registration Rights Agreement'' means the Equity Registration Rights Agreement by and among New GM, the U.S. Treasury, Canada, the VEBA Trust and Old GM, entered into on July 10, 2009.

Signed at Washington, DC, this 15th day of September 2009.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E9–22485 Filed 9–17–09; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board, pursuant to NSF regulations (45 CFR Part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

AGENCY HOLDING MEETING: National Science Board.

DATE AND TIME: Thursday, September 24, 2009, at 8 a.m.

PLACE: Columbus, Ohio, The Ohio State University, Nationwide and Ohio Farm Bureau 4H Center, Bob Evans Auditorium.

STATUS: Some portions open, some portions closed.

Open Sessions

September 24, 2009

8 a.m.–8:20 a.m.
8:20 a.m.–8:35 a.m.
8:35 a.m.–9:20 a.m.

Closed Sessions

September 24, 2009

9:35 a.m.–10:50 a.m.
10:50 a.m.–11:05 a.m.
11:05 a.m.–11:15 a.m.
11:15 a.m.–11:30 a.m.

AGENCY CONTACT: Dr. Robert E. Webber, *rwebber@nsf.gov,* (703) 292–7000, *http://www.nsf.gov/nsb/.*

Matters To Be Discussed

Thursday, September 24, 2009

Open Session: 8 a.m.–8:20 a.m., Bob Evans Auditorium
- National Science Board Chairman's Introduction
- The Ohio State University President's Welcome

Executive Committee

Open Session: 8:20 a.m.–8:35 a.m., Bob Evans Auditorium
- Executive Committee Chairman's Remarks
- Approval of Minutes for the May 2009 Meeting
- Discussion of Board Priorities for FY 2010
- Updates or New Business from Committee Members

Plenary Open

Open Session: 8:35 a.m.–9:20 a.m., Bob Evans Auditorium
- Approval of Plenary Open Minutes, August 2009
- Resolutions to Close Portions of December 2009 Meeting
- Chairman's Report
- Director's Report
- Open Committee Reports
- Board Member Proposal Review Process

Committee on Programs and Plans (CPP)

Closed Session: 9:35 a.m.–10:50 a.m., Bob Evans Auditorium

- Committee Chairman's Remarks
- Management and Operation of the National Astronomy and Ionosphere Center
- Design for the Deep Underground Science and Engineering Laboratory

Committee on Strategy and Budget (CSB)

Closed Session: 10:50 a.m.–11:05 a.m., Bob Evans Auditorium

- Approval of CSB Minutes, August 9, 2009
- Committee Chairman's Remarks
- NSF Budget Update: FY 2011 Budget Request to OMB
- Other Committee Business

Plenary Executive Closed

Closed Session: 11:05 a.m.–11:15 a.m., Bob Evans Auditorium

- Approval of Plenary Executive Closed Minutes, August 2009
- Board Member Proposal

Plenary Closed

Closed Session: 11:15 a.m.–11:30 a.m., Bob Evans Auditorium

- Approval of Plenary Closed Minutes, August 2009
- Awards and Agreements
- Closed Committee Reports

Ann Ferrante,

Technical Writer/Editor.

[FR Doc. E9–22643 Filed 9–16–09; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0411; Docket No. 030–10814]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 29–02608–03 for the Unrestricted Release of the Johnson & Johnson Pharmaceutical Research and Development, LLC's Facility in Raritan, NJ

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610–337–5366; fax number 610–337–5269 or by e-mail: *dennis.lawyer@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 29–02608–03. This license is held by Johnson & Johnson Pharmaceutical Research and Development, LLC (the Licensee), for its Ortho Clinical Diagnostics Facility (the Facility), located at 1001 U.S. Route #202 North in Raritan, New Jersey. Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated March 27, 2009. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, *Code of Federal Regulations* (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's March 27, 2009, license amendment request, resulting in release of the Facility for unrestricted use. License No. 29–02608–03 was issued on April 8, 1975, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility is situated in a 572,000 square foot building on 66 acres of property and consists of office space, laboratories, manufacturing, and shipping areas. The Facility is located in a commercial area with some residential use nearby. Within the Facility, use of licensed materials by the licensee was confined to 1,528 square feet of laboratory space.

In February 2007, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility and seeks the unrestricted use of its Facility.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: Hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey on May 14, 2009. This survey covered the 1,528 square feet of laboratory space. The final status survey report was attached to the Licensee's additional information letter dated May 29, 2009. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The

NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the New Jersey Department of Environmental Protection for review on June 25, 2009. On August 7, 2009, the New Jersey Department of Environmental Protection responded by letter. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance'';
2. Title 10, *Code of Federal Regulations,* Part 20, Subpart E, ''Radiological Criteria for License Termination'';
3. Title 10, *Code of Federal Regulations,* Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions'';
4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'';
5. Johnson & Johnson Pharmaceutical Research and Development, LLC, amendment request letter dated March 27, 2009 (ML090960269);
6. Johnson & Johnson Pharmaceutical Research and Development, LLC, additional information letter dated April 28, 2009 (ML091200252);
7. Johnson & Johnson Pharmaceutical Research and Development, LLC, additional information letter dated May 29, 2009 (ML091490762); and
8. Johnson & Johnson Pharmaceutical Research and Development, LLC, additional information letter dated June 16, 2009 (ML091730375).

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 *PDR.Resource@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region I, 475 Allendale Road, King of Prussia, PA this 11th day of September 2009.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E9–22556 Filed 9–17–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0408]

Exemption From the Specific Import License Requirements

1.0 Request/Action

US Ecology Idaho (USEI), a subsidiary of American Ecology, operates a hazardous waste and low-activity radioactive disposal facility near Grand View, Idaho. By letter dated March 19, 2009 (Agency Documents Access Management System [ADAMS] Accession No. ML091600258), USEI requested an exemption from the requirements in 10 CFR Part 110, ''Export and Import of Nuclear Equipment and Material,'' for a specific license to import waste from Canada.

Pursuant to 10 CFR 110.10, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions for the requirements for a specific license in 10 CFR Part 110, when the import is (1) authorized by law; (2) is not inimical to the common defense and security of the United States; and (3) will not constitute an unreasonable risk to the public health and safety.

2.0 Background

USEI requested an exemption from the requirements in 10 CFR 110.27 for a specific license to import and dispose

of approximately 2,500 cubic meters of soil containing 15% concrete and metal debris contaminated with low concentrations of naturally occurring radium-226 and uranium-238, which will be generated during remediation and redevelopment of a property located in Toronto, Canada. In its March 19, 2009, letter, USEI stated that this material meets the ''unimportant quantity of source material'' criteria founded in 10 CFR 40.13(a). As part of their request, USEI included a safety assessment of the shipment from the Toronto property to the USEI disposal facility in Idaho and the resulting potential doses to members of the public during transport and disposal.

As a matter of policy, the U.S. Nuclear Regulatory Commission (NRC) reviews the safety implications of disposing of unimportant quantities of material at sites other than Atomic Energy Act-licensed disposal facilities. USEI is permitted by the Idaho Department of Environmental Quality (IDEQ) to operate a Resource Conservation and Recovery Act (RCRA) Subtitle C facility located near Grand View, Idaho and is not an NRC licensee. Consistent with Commission policy (**Federal Register:** August 28, 2002 [Volume 67, Number 167], Proposed Rules, Pages 55175–55179) such a request for transfer would normally be approved if the dose to a member of the public is unlikely to exceed 0.25 mSv/yr (25 mrem/yr).

3.0 Discussion

USEI supplied information on the source term of the waste and a proposed scenario to evaluate different possible exposures for members of the public. These scenarios include dose to the transportation workers, USEI workers, and post-closure dose to the general public. The State of Idaho RCRA permit allows the disposal of exempted radioactive material including uranium as either naturally occurring radioactive material or unimportant quantities of source material provided they meet the requirements outlined in 10 CFR 40.13(a) and can demonstrate that no individual would receive a dose in excess of 0.15 mSv/yr (15 mrem/yr) for a period of 100 years after closure of the facility.

Based on sampling results provided, the NRC confirmed that this waste material qualifies as ''unimportant quantities of source material'' (i.e., containing less than 0.05 weight percent of source material) under 10 CFR 40.13(a). As indicated in the Safety Evaluation Report (ML092380115), the staff verified that the expected dose to a member of the public due to transfer and disposal of the Toronto waste will be well below 25 mrem/yr.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 110.10(a), an exemption from the requirements of 10 CFR 110.27 is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Therefore, the Commission hereby grants USEI an exemption from the requirement of 10 CFR 110.27 for a specific license to import the approximately 2,500 cubic meters of contaminated soil.

This exemption is effective upon issuance.

For The Nuclear Regulatory Commission.

Dated this 9th day of September 2009 at Rockville, Maryland.

Scott W. Moore,

Deputy Director, Office of International Programs.

[FR Doc. E9–22559 Filed 9–17–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0294]

Notice of Issuance of Regulatory Guide

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance and availability of Regulatory Guide 1.100, Revision 3.

FOR FURTHER INFORMATION CONTACT: John Burke, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 251–7628 or e-mail to *John.Burke@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to an existing guide in the agency's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency'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.

Revision 3 of Regulatory Guide 1.100, ''Seismic Qualification of Electrical and Active Mechanical Equipment and Functional Qualification of Active Mechanical Equipment for Nuclear Power Plants,'' was issued with a temporary identification as Draft Regulatory Guide, DG–1175. This guide describes methods that the staff of the NRC considers acceptable for use in the seismic qualification of electrical and active mechanical equipment and the functional qualification of active mechanical equipment for nuclear power plants (NPPs).

The general requirements for the seismic qualification of electrical and active mechanical equipment appear in Title 10 of the *Code of Federal Regulations* (10 CFR) part 50, ''Domestic Licensing of Production and Utilization Facilities,'' and 10 CFR part 52, ''Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants.'' Particular sections include General Design Criterion (GDC) 1, ''Quality Standards and Records''; GDC 2, ''Design Bases for Protection Against Natural Phenomena''; and GDC 4, ''Environmental and Dynamic Effects Design Basis,'' of Appendix A, ''General Design Criteria for Nuclear Power Plants,'' to 10 CFR part 50; Criterion III, ''Design Control''; Criterion XI, ''Test Control''; and Criterion XVII, ''Quality Assurance Records,'' of Appendix B, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,'' to 10 CFR part 50; and Appendix S, ''Earthquake Engineering Criteria for Nuclear Power Plants,'' to 10 CFR part 50.

II. Further Information

In May 2008, DG–1175 was published with a public comment period of 60 days from the issuance of the guide. The public comment period closed on July 11, 2008. The staff's responses to the public comments are located in NRC's Agencywide Documents Access and Management System under accession number ML091320489. Electronic copies of Regulatory Guide 1.100, Revision 3 are available through the NRC's public Web site under ''Regulatory Guides'' at *http://www.nrc.gov/reading-rm/doc-collections/.*

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738. 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) 397–4209, by fax at (301) 415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 25th day of August 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E9–22558 Filed 9–17–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0410]

Proposed Standard Review Plan; Branch Technical Position 18–1 on Guidance for Evaluating Minimum Inventory of Alarms, Controls, and Displays for New Light-Water Reactor Plant Designs

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Solicitation of public comment.

SUMMARY: The NRC is requesting public comment on NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants,'' Branch Technical Position (BTP) 18–1, on Guidance for Evaluating Minimum Inventory of Alarms, Controls, and Displays for New Light Water Reactor Plant Designs (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092330826). This BTP is to be cited as the acceptance criteria for the minimum inventory of controls, displays, and alarms in the Standard Review Plan (SRP) Chapter 18, Section II.A.7, item 8 for those standard designs that have not been certified prior to the date of this BTP. When BTP 18–1 is issued as final, Chapter 18, Section II.A.7, item 8, which currently states, ''8. A minimum inventory of controls, displays, and alarms,'' will be revised to read, ''8. A minimum inventory of controls, displays, and alarms (*See* the guidance in BTP 18–1 for designs that the NRC has not previously certified).'' (Material in parenthesis is added as a pointer to the BTP.)

The NRC staff issues SRPs and BTPs to facilitate timely implementation of current staff guidance and to facilitate activities associated with the review of applications for design certification (DC) and combined licenses (COLs) by the Office of New Reactors (NRO). The NRC staff will also incorporate the revised SRP section and BTP 18–1 into the next revisions of Regulatory Guide 1.206 and any related guidance documents.

DATES: Comments must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. 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: Comments may be submitted to: Mr. Michael T. Lesar, Chief, Rulemaking & Directives Branch, MS: TWB–05–B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

The NRC maintains ADAMS, which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *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 Public Document Room reference staff at 1–800–397–4209, 301–415–4737, or by e-mail at *PDR.Resource@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Junge, Chief, Operator Licensing and Human Performance Branch, Division of Construction Inspection and Operational Programs, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–6855 or e-mail at *Michael.Junge@nrc.gov.*

SUPPLEMENTARY INFORMATION: This SRP, NUREG–0800, has been prepared to establish criteria that the NRO staff use to evaluate if DC and COL applications meet the NRC's regulations. The SRP is not a substitute for the NRC's regulations, and compliance with it is not required. However, applicants are required to identify differences in design features, analytical techniques, and procedural measures proposed for a facility and corresponding SRP acceptance criteria, and evaluate how the proposed alternatives to the acceptance criteria provide an acceptable method of complying with the NRC's regulations.

The agency posts its issued staff guidance in the agency external web page (*http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800*).

The NRC staff is issuing this notice to solicit public comments on proposed BTP 18–1, which is being issued for the first time. After the NRC staff considers any public comments, it will make a determination regarding proposed BTP 18–1.

Dated at Rockville, Maryland, this 11th day of September 2009.

For the Nuclear Regulatory Commission.

William F. Burton,

Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E9–22557 Filed 9–17–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0405]

Request for a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70 (b) ''Public Notice of Receipt of an Application,'' please take notice that the U. S. Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E–Filing rule promulgated in the August 28 2007 **Federal Register**, 72 FR 49139. Information about filing electronically is available on the NRC's public Web site at *http://www.rnc.gov/site-help/e-submittals.html*. To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington,

DC 20555, *Attention:* Rulemaking and Adjudications

The information concerning this export license application follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, date of application, date received, application No., Docket No.	Description of material		End use	Recipient country
	Material type	Total quantity		
Eastern Technologies, Inc. (ETI); August 3, 2009; August 5, 2009; XW016; 11005825.	Class A radioactive waste as slightly contaminated secondary waste resulting from the dissolving and decontamination of polyvinyl alcohol (PVA) dissolvable protective clothing and related items (e.g., zippers, hook & loop material, elastic, etc.) along with the process filters used to decontaminate the dissolved clothing retrieved from the combustible Class A radioactive waste imported in accordance with NRC license IW016.	The total quantity authorized for export will not exceed quantities imported in accordance with NRC license IW016.	The secondary waste resulting from the Laguna Verde material will be shipped to Impact Services, Oak Ridge, TN for further volume reduction and then returned to ETI for export back to Laguna Verde in Mexico.	Mexico.

For the Nuclear Regulatory Commission.

Dated this 8th day of September 2009 at Rockville, Maryland.

Scott W. Moore,

Deputy Director, Office of International Programs.

[FR Doc. E9–22560 Filed 9–17–09; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Approval of Amendment to Special Withdrawal Liability Rules for Service Employees International Union Local 1 Pension Trust Fund

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of approval.

SUMMARY: The Service Employees International Union Local 1 Pension Trust Fund requested the Pension Benefit Guaranty Corporation (''PBGC'') to approve a plan amendment providing for special withdrawal liability rules for employers that maintain the Plan. PBGC published a Notice of Pendency of the Request for Approval of the amendment on March 2, 2009 (74 FR 9114) (''Notice of Pendency''). In accordance with the provisions of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''), PBGC is now advising the public that the agency has approved the requested amendment.

FOR FURTHER INFORMATION CONTACT: Eric Field, Attorney, Office of the Chief Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; telephone 202–326–4020. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4020).

SUPPLEMENTARY INFORMATION:

Background

Under section 4201 of ERISA, an employer who completely or partially withdraws from a defined benefit multiemployer pension plan becomes liable for a proportional share of the plan's unfunded vested benefits. The statute specifies that a ''complete withdrawal'' occurs whenever an employer either permanently (1) ceases to have an obligation to contribute to the plan, or (2) ceases all operations covered under the plan. See ERISA section 4203(a). Under the first test, an employer who remains in business but no longer has an obligation to contribute to the plan will incur withdrawal liability. Under the second test, an employer who closes or sells its operations will also incur withdrawal liability. The ''partial withdrawal'' provisions of sections 4205 and 4206 impose a lesser measure of liability upon employers who reduce, but do not eliminate, the obligations or operations that generate contributions to the plan. The withdrawal liability provisions of ERISA are a critical factor in maintaining the solvency of these pension plans and reducing claims made on the multiemployer plan insurance fund maintained by PBGC. Without withdrawal liability rules, an employer who participates in an underfunded multiemployer plan would have a powerful economic incentive to reduce expenses by withdrawing from the plan.

Congress nevertheless allowed for the possibility that, in certain industries, the fact that particular employers go out of business (or cease operations in a specific geographic region) might not result in permanent damage to the pension plan's contribution base. In the construction industry, for example, the funding base of a pension plan is the construction projects in the area covered by the collective bargaining agreements under which a pension plan is maintained. Even if the amount of work performed by a particular employer fluctuates markedly in any given year, individual employees will typically continue to work for other contributing employers in the same geographic area. Consequently, the withdrawal of an employer does not remove jobs from or damage the pension plan's contribution base unless the employer continues to work in the geographic area covered by collective bargaining agreement without contributing to the plan.

This reasoning led Congress to adopt a special definition of the term ''withdrawal'' for construction industry plans. Section 4203(b)(2) of ERISA provides that a complete withdrawal occurs only if an employer ceases to have an obligation to contribute under a plan, but nevertheless continues to perform previously covered work in the jurisdiction of the collective bargaining agreement or resumes such work within five years after the date on which the obligations to contribute ceased.[1] There

[1] Section 4203(c)(1) of ERISA applies a similar definition of complete withdrawal to the entertainment industry, except that the pertinent jurisdiction is the jurisdiction of the plan rather than the jurisdiction of the collective bargaining

Continued

is a parallel rule for partial withdrawals from construction plans. Under section 4208(d)(1) of ERISA, an employer to whom section 4203(b) (relating to the building and construction industry) applies is liable for a partial withdrawal ''only if the employer's obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are required.

Section 4203(f) of ERISA provides that PBGC may prescribe regulations under which plans that are not in the construction industry may be amended to use special withdrawal liability rules similar to those that apply to construction plans. Under the statute, the regulations shall permit the use of special withdrawal liability rules only in industries that PBGC determines have characteristics that would make use of the special withdrawal liability rules appropriate. ERISA § 4203(f)(2)(A). In addition, each plan application must show that the special rule will not pose a significant risk to the PBGC. ERISA § 4203(f)(2)(B). Section 4208(e)(3) of ERISA provides that a plan may adopt rules for the reduction or elimination of partial withdrawal liability—under regulations prescribed by PBGC—subject to PBGC's determination that such rules are consistent with the purpose of ERISA.

The regulation on Extension of Special Withdrawal Liability Rules (29 CFR Part 4203) prescribes the procedures a multiemployer plan must follow to request PBGC approval of a plan amendment that establishes special complete or partial withdrawal liability rules. Under 29 CFR 4203.3(a), a complete withdrawal rule must be similar to the statutory provision that applies to construction industry plans under section 4203(b) of ERISA. Any special rule for partial withdrawals must be consistent with the construction industry partial withdrawal provisions. Each request for approval of a plan amendment establishing special withdrawal liability rules must provide PBGC with detailed financial and actuarial data about the plan. In addition, the applicant must provide PBGC with information about the effects of withdrawals on the plan's contribution base. As a practical matter, the plan must show that the characteristics of employment and labor relations in its industry are sufficiently similar to those in the construction industry that use of the construction rule would be appropriate. Relevant factors include the mobility of the employees, the intermittent nature of the employment, the project-by-project nature of the work, extreme fluctuations in the level of an employer's covered work under the plan, the existence of a consistent pattern of entry and withdrawal by employers, and the local nature of the work performed. PBGC will approve a special withdrawal liability rule only if a review of the record shows that:

(1) The industry has characteristics that would make use of the special construction withdrawal rules appropriate; and

(2) The adoption of the special rule will note pose a significant risk to the PBGC.

After review of the application and all public comments, PBGC may approve the amendment in the form proposed by the plan, approve the application subject to conditions or revisions, or deny the application.

Request

On March 3, 2009, PBGC published a notice soliciting public comment on a request on behalf of the Service Employees International Union Local 1 Pension Trust Fund (''Local 1 Plan'') for approval of an amendment prescribing special withdrawal liability rules that, if approved by PBGC, would be effective as of July 1, 2005. PBGC received no comments on the notice.

The Local 1 Plan is a multiemployer plan covering the residential building cleaning industry in Chicago, Illinois. It is maintained pursuant to collective bargaining agreements with the Apartment Building Owners and Managers Association of Chicago (''ABOMA'') and independent cleaning contractors. As of July 1, 2006, it had approximately 3,800 active participants and was paying approximately $5.8 million in benefits to 1,400 pensioners and survivors.

The Local 1 Plan submitted collective bargaining agreements expiring in 2008, indicating that ABOMA had over 200 contributing employer members. Total contributions for the 2006 plan year were $7.08 million. The contributing employers are owners of residential apartments in the Chicago area and the number of apartments is unlikely to decrease. Between 2002 and 2006, the number of active participants remained stable.

Contributions have increased at a faster rate than benefit payments for the last three years in the submission, and as of 2006 were running nearly 20 percent higher than payouts. For full-time employees, the weekly contribution rate to the Local 1 Plan was $136.67 for the twelve months starting December 1, 2005, $156.00 for the following twelve months, and $182 for the twelve months starting December 1, 2007.[2]

SUMMARY OF ACTUARIAL VALUATION RESULTS, 2003–2006

Item	Valuation date (July 1)			
	2006	2005	2004	2003
Active participants	4,063	4,157	4,233	4,259
Retirees	1,761	1,749	1,705	1,694
Monthly benefit accrual rate ($)	22	22	22	22
Max. monthly benefit ($)	645	645	645	645
Contributions ($000)	7,081	6,525	5,864	4,689
Benefits ($000)	5,812	5,606	5,501	5,391
Accrued liability ($000)	97,335	93,606	92,923	90,274
Market value of assets ($000)	83,630	77,743	72,138	64,582
Net min. funding charge w/o credit bal. ($000)	6,269	5,982	6,026	6,284
Normal cost ($000)	2,138	2,251	2,279	2,302
Unfunded accrued liability* ($000)	13,705	15,863	20,785	25,692
Present value of vested benefits ($000)	103,744	98,711	100,736	92,276

agreement. No plan has ever requested PBGC to determine that it shares the characteristics of an entertainment plan.

[2] According to the 2007 Form 5500, obtained after the notice of pendency, the monthly benefit accrual rate has held steady for several years at $21.50, although it was increased January 1, 2008 to $23.33.

SUMMARY OF ACTUARIAL VALUATION RESULTS, 2003–2006—Continued

Item	Valuation date (July 1)			
	2006	2005	2004	2003
Unfunded liability, vested benefits * ($000)	20,114	20,968	28,598	27,694
Valuation interest rate (%)	7.5	7.5	7.5	7.5

* Using market value of assets.

Decision on the Proposed Amendment

The statute and the implementing regulation state that PBGC must make two factual determinations before it approves a request for an amendment that adopts a special withdrawal liability rule. ERISA § 4203(f); 29 CFR § 4203.5(a). First, on the basis of a showing by the plan, PBGC must determine that the amendment will apply to an industry that has characteristics that would make use of the special rules appropriate. Second, PBGC must determine that the plan amendment will not pose a significant risk to the insurance system. PBGC's discussion on each of those issues follows. After review of the record submitted by the Local 1 Plan, and having received no public comments, PBGC has entered the following determinations.

1. What Is the Nature of the Industry?

In determining whether an industry has the characteristics that would make an amendment to special rules appropriate, an important line of inquiry is the extent to which the Local 1 Plan's contribution base resembles that found in the construction industry. This threshold question requires consideration of the effect of employer withdrawals on the Local 1 Plan's contribution base.

As the Local 1 Plan has asserted, covered work must be performed at a residential building located in Chicago. The work is local in nature and generally continues to be covered by the Local 1 Plan regardless of the employer retained to do those services. An employer ceases to have an obligation to contribute when it loses a cleaning or security contract because the building owner outsources the work or retains a different service provider, or when the employer closes its business due to bankruptcy, retirement, or business relocation. Over the past 10 years, cessation of contributions by any individual employer has not had an adverse impact on the Local 1 Plan's contribution base. Most of the employers that have ceased to contribute have been replaced by another employer who begins contributions for the same employees at the same location for the same work.

2. What Is the Exposure and Risk of Loss to PBGC and Participants?

Exposure. The bargaining parties had maintained the same benefit accrual rate for several years. The benefit liabilities have grown by 11 percent from 2002 to 2006. However, over the same time period, contributions nearly tripled and assets grew by 28 percent. Thus, the parties have worked to preserve an adequate cushion against market downturns.

Risk of loss. The record shows that the Local 1 Plan presents a low risk of loss to PBGC insurance funds. The Local 1 Plan's active participant population has been stable, hovering around 4,000 actives for several years. Additionally, the Local 1 Plan and the covered industry have unique characteristics that suggest that the Local 1 Plan's contribution base is likely to remain stable. Contributions to the Local 1 Plan are made with respect to Chicago residential buildings. This contribution base is secure and the departure of one employer from the Local 1 Plan is not likely to have an adverse effect on the contribution base so long as the number of buildings covered does not decline.

Conclusion

Based on the Plan's submissions and the representations and statements made in connection with the request for approval, PBGC has determined that the plan amendment adopting the special withdrawal liability rules (1) will apply only to an industry that has characteristics that would make the use of special withdrawal liability rules appropriate, and (2) will not pose a significant risk to the insurance system. Therefore, PBGC hereby grants the Local 1 Plan's request for approval of a plan amendment modifying special withdrawal liability rules, as set forth herein. Should the Local 1 Plan wish to amend these rules at any time, PBGC approval of the amendment will be required.

Issued at Washington, DC, on this 11th day of September 2009.

Vincent K. Snowbarger,

Acting Director, Pension Benefit Guaranty Corporation.

[FR Doc. E9–22537 Filed 9–17–09; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: OPM Form 1203–FX, Occupational Questionnaire, 3206–0040

AGENCY: Office of Personnel Management.

ACTION: 60-day Notice and request for comments.

SUMMARY: The Automated Systems Management Group, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an existing information collection request (ICR) 3206–0040, Occupational Questionnaire, OPM Form 1203–FX. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until November 17, 2009. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on this ICR to the Automated Systems Management Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, Attention: Denise Valentine-Tyson or sent via electronic mail to *Denise.Valentine-Tyson@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Automated Systems Management Group, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20503, Attention: Denise Valentine-Tyson or sent via electronic mail to *Denise.Valentine-Tyson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Occupational Questionnaire is an optical scan form designed to collect applicant information and qualifications in a format suitable for automated processing and to create applicant records for an automated examining system. The 1203 series was commonly referred to as the ''Qualifications and Availability Form C.'' OPM has re-titled the series as ''Occupational Questionnaire'' to fit a more generic need. OPM uses this form to carry out its responsibility for open competitive examining for admission to the competitive service in accordance with section 3304, of title 5, United States Code.

Analysis

Agency: Automated Systems Management Group, Office of Personnel Management.

Title: Occupational Questionnaire, OPM Form 1203–FX.

OMB Number: 3260–0040.

Frequency: On occasion.

Affected Public: Individuals or households.

Number of Respondents: 3,484,764.

Estimated Time per Respondent: 45 minutes.

Total Burden Hours: 2,613,573.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): $468,280.

Office of Personnel Management.

John Berry,

Director.

[FR Doc. E9–22566 Filed 9–17–09; 8:45 am]

BILLING CODE 6325–38–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11878 and #11879]

Michigan Disaster #MI–00018

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Michigan dated 09/11/2009.

Incident: Severe Storms and Flooding.

Incident Period: 08/08/2009 through 08/10/2009.

Effective Date: 09/11/2009.

Physical Loan Application Deadline Date: 11/10/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 06/11/2010.

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: Lapeer

Contiguous Counties: Michigan: Genesee, Macomb, Oakland, Saint Clair, Sanilac, Tuscola

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 11878 6 and for economic injury is 11879 0. The State which received an EIDL Declaration # is Michigan.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 11, 2009.

Karen G. Mills,

Administrator.

[FR Doc. E9–22542 Filed 9–17–09; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 6765]

30-Day Notice of Proposed Information Collection: DS–0174, Application for Employment as a Locally Employed Staff or Family Member, OMB Control Number 1405–XXXX

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Department of State Application for Employment as a Locally Employed Staff or Family Member.
- *OMB Control Number:* 1405–XXXX.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Human Resources, Office of Overseas Employment (HR/OE).
- *Form Number:* DS–0174.
- *Respondents:* Candidates seeking employment, including family members of Foreign Service, Civil Service, and uniformed service members officially assigned to the Mission and under Chief of Mission authority.
- *Estimated Number of Respondents:* 40,000.
- *Estimated Number of Responses:* 40,000.
- *Average Hours per Response:* 1 hour.
- *Total Estimated Burden:* 40,000.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Required to Obtain a Benefit.

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from September 18, 2009.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *E-mail:* *oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from Frank Venson McCoy, Bureau of Human Resources, Office of Overseas Employment, U.S. Department of State, Washington, DC 20520 who may be reached on 703–820–5155 or at *mccoyfv@state.gov.*

SUPPLEMENTARY INFORMATION:

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond.

Abstract of Proposed Collection

The DS–0174, Application for Employment as a Locally Employed Staff or Family Member, is needed to meet information collection requirements for recruitments conducted at approximately 170 U.S. embassies and consulates throughout the world. Current employment application forms do not meet the unique requirements of Mission recruitment (e.g., language skills and hiring preferences) under the FS Act of 1980 and 22 U.S.C. 2669. The DS–0174 is needed to improve data gathering and to clarify interpretation of candidate responses.

Methodology

Candidates for employment use the DS–0174 to apply for Mission-advertised positions throughout the world. Mission recruitments generate approximately 40,000 applications per year. Data that HR and hiring officials extract from the DS–0174 determine eligibility for employment, qualifications for the position, and selections according to Federal policies.

Dated: September 10, 2009.

Ruben Torres,

Director, HR/EX, Department of State.

[FR Doc. E9–22539 Filed 9–17–09; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF STATE

[Public Notice 6764]

Culturally Significant Objects Imported for Exhibition Determinations: ''Falnama: The Book of Omens''

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 in the exhibition: ''Falnama: The Book of Omens,'' 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 Arthur M. Sackler Gallery, Smithsonian Institution, Washington, DC, from on or about October 24, 2009, until on or about January 24, 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 Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The address is U.S. Department of State, L/PD, SA–5, 2200 C Street, NW., Suite 5H03, Washington, DC 20522–0505.

Dated: September 11, 2009.

Maura M. Pally,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E9–22538 Filed 9–17–09; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Initiation of a Review To Consider the Designation of the Republic of Maldives as a Beneficiary Developing Country Under the GSP

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and solicitation of public comment.

SUMMARY: This notice announces the initiation of a review to consider designating the Republic of Maldives as a beneficiary developing country for purposes of the GSP program, and solicits public comments on whether Maldives meets the eligibility criteria for designation as a beneficiary developing country. Comments are due by Friday, October 16, 2009, and must be submitted in accordance with the requirements set out below.

FOR FURTHER INFORMATION CONTACT: Tameka Cooper, GSP Program, Office of the United States Trade Representative, 1724 F Street, NW., Washington, DC 20508. The telephone number is (202) 395–6971, the fax number is (202) 395–2961, and the e-mail address is *Tameka_Cooper@ustr.eop.gov.*

Public versions of all documents relating to this review will be made available for public viewing in docket USTR–2009–0030 at *http://www.regulations.gov* upon completion of processing and no later than approximately two weeks after the due date.

SUPPLEMENTARY INFORMATION: Maldives' GSP eligibility was suspended in 1995 because, following a review by the Trade Policy Staff Committee, it was determined that Maldives had not taken and was not taking steps to afford internationally recognized worker rights to workers in Maldives. The review was initiated in 1993 in response to a petition filed by the AFL–CIO.

Interested persons are invited to submit comments regarding the eligibility of the Republic of Maldives for designation as a GSP beneficiary developing country. Documents should be submitted in accordance with the below instructions to be considered in this review.

Eligibility Criteria

The trade benefits of the GSP program are available to any country that the President designates as a beneficiary developing country for purposes of the GSP program. In designating countries as beneficiary developing countries, the President must consider the criteria in sections 502(b) and 502(c) of the Trade Act of 1974, as amended (19 U.S.C. 2462(b) and 2462(c)) (the ''Act'').

Section 502(b)(2) provides that, in determining whether to designate any country as a GSP beneficiary developing country, the President shall not designate any country a beneficiary developing country if any of the following applies:

1. Such country is a Communist country, unless—

(a) The products of such country receive nondiscriminatory treatment, (b) Such country is a WTO Member (as such term is defined in section 2(10) of the Uruguay Round Agreements Act) (*19 U.S.C. 3501*(10)) and a member of the International Monetary Fund, and (c) Such country is not dominated or controlled by international communism.

2. Such country is a party to an arrangement of countries and participates in any action pursuant to such arrangement, the effect of which is—

(a) To withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level, and (b) To cause serious disruption of the world economy.

3. Such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce.

4. Such country—

(a) Has nationalized, expropriated, or otherwise seized ownership or control of property, including patents, trademarks, or copyrights, owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, (b) Has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property, including patents, trademarks, or copyrights, so owned, or (c) Has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property, including patents, trademarks, or copyrights, so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) Prompt, adequate, and effective compensation has been or is being made to the citizen, corporation, partnership, or association referred to above, (ii) Good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or the country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or (iii) A dispute involving such citizen, corporation, partnership, or association over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and the President promptly furnishes a copy of such determination to the Senate and House of Representatives.

5. Such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute.

6. Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. Appx. section 2405(j)(1)(A)) or such country has not taken steps to support the efforts of the United States to combat terrorism.

7. Such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country (including any designated zone in that country).

8. Such country has not implemented its commitments to eliminate the worst forms of child labor.

Section 502(c) provides that, in determining whether to designate any country as a GSP beneficiary developing country, the President shall take into account:

1. An expression by such country of its desire to be so designated;

2. The level of economic development of such country, including its per capita gross national product, the living standards of its inhabitants, and any other economic factors which the President deems appropriate;

3. Whether or not other major developed countries are extending generalized preferential tariff treatment to such country;

4. The extent to which such country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices;

5. The extent to which such country is providing adequate and effective protection of intellectual property rights;

6. The extent to which such country has taken action to—

(a) Reduce trade distorting investment practices and policies (including export performance requirements); and (b) Reduce or eliminate barriers to trade in services; and

7. Whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights. The term ''internationally recognized worker rights'' is defined in section 507(4) of the Act, as amended, (19 U.S.C. 2467), to mean: (A) The right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children and a prohibition on the worst forms of child labor as defined in section 507(6) of the Act; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Requirements for Submissions

Submissions in response to this notice must be submitted electronically by 5 p.m., Tuesday, October 13, 2009, using *http://www.regulations.gov,* docket number USTR–2009–0030. Instructions for business confidential versions are provided below. Hand-delivered submissions will not be accepted. Submissions must be submitted in English to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, by the applicable deadlines set forth in this notice.

To make a submission using *http://www.regulations.gov,* enter docket number USTR–2009–0030 on the home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting ''Notices'' under ''Document Type''. In the results table below, click on the ''Send a Comment'' link that corresponds to this notice. Follow the instructions given on the screen to submit the comment. The *http://www.regulations.gov* Web site offers the option of providing comments by filling in a ''Type Comment'' field or by attaching a document. While both options are acceptable, USTR prefers submissions in the form of an attachment.

Comments must be in English, with the total submission not to exceed 30

single-spaced standard letter-size pages in 12-point type, including attachments. Any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Business Confidential Petitions

Persons wishing to submit business confidential information must submit that information by electronic mail to *FR0807@ustr.eop.gov.* Business confidential submissions will not be accepted at *http://www.regulations.gov.* For any document containing business confidential information submitted as a file attached to an e-mail transmission, the file name of the business confidential version should begin with the characters ''BC.'' The ''BC'' should be followed by the name of the party (government, company, union, association, etc.) that is making the submission.

If a comment contains business confidential information that the submitter wishes to protect from public disclosure, the confidential submission must be marked ''Business Confidential'' at the top and bottom of each page. In addition, the submission must be accompanied by a non-confidential version that indicates, with asterisks, where confidential information was redacted or deleted. The top and bottom of each page of the non-confidential version must be marked either ''Public Version'' or ''Non-Confidential''. The file name of the public version should begin with the characters ''P''. The ''P'' should be followed by the name of the party (government, company, union, association, etc.) that is making the submission.

Business confidential comments that are submitted without the required markings or that are not accompanied by a properly marked non-confidential version as set forth above may not be accepted or may be treated as public documents.

Marideth J. Sandler,

Executive Director for the GSP Program, Chairman, GSP Subcommittee of the Trade Policy Staff Committee.

[FR Doc. E9–22525 Filed 9–17–09; 8:45 am]

BILLING CODE 3190–W9–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–21035]

Stagecoach Group PLC and Coach USA, Inc., et al.—Acquisition of Control—Twin America, LLC

AGENCY: Surface Transportation Board.

ACTION: Notice of Finance Application.

SUMMARY: On August 19, 2009, Stagecoach Group PLC (Stagecoach), a noncarrier, its noncarrier intermediate subsidiaries (Stagecoach Transport Holdings plc, SCUSI Ltd., Coach USA Administration, Inc.), Coach USA, Inc. (Coach USA), International Bus Services (IBS), a motor passenger carrier (MC–155937) controlled by Coach USA, City Sights Twin, LLC (City Sights Twin), a noncarrier, and Mr. Zev Marmurstein (collectively, Applicants), filed an application under 49 U.S.C. 14303 to acquire control of Twin America, LLC (Twin America) when it becomes a carrier.[1] Applicants advised the Board that the New York State Attorney General's office served subpoenas *duces tecum* on Gray Line New York Tours, Inc., Gray Line Twin, LLC, CitySights LLC, City Sights New York LLC, City Sights Daily LLC, and Twin America inquiring into the operation of those entities, the formation of Twin America, and related matters. On August 26, 2009, the New York State Attorney General filed a notice of intent to participate as a party of record. A copy of this notice will be served on the New York State Attorney General. Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8.

DATES: Comments must be filed by November 2, 2009. Applicants may file a reply by November 17, 2009.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–21035 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, send one copy of comments to Applicants' representative: David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Ave., NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia Farr (202) 245–0359 [Federal Information Relay (FIRS) for the hearing impaired: 1–800–877–8339].

SUPPLEMENTARY INFORMATION: Stagecoach is a public limited corporation organized under the laws of Scotland. Coach USA is a Delaware corporation that controls numerous motor passenger carriers. Mr. Zev Marmurstein is the sole member and owner of City Sights Twin, a noncarrier formed for the purpose of owning an interest in Twin America.

In March 2009, City Sights Twin and IBS formed Twin America. Twin America was formed because Applicants recognized that IBS and City Sights LLC, the previous operator of transportation services now provided by City Sights Twin, were experiencing declining revenues due to the challenging economic environment. The companies have determined that combining their assets under common management would provide cost savings. According to Applicants, Twin America currently operates motor carrier tourism transportation services in New York City as well as transportation to destinations outside the state of New York. Specifically, Twin America transports passengers from hotels in New Jersey to New York City and ''conducts occasional interstate charter operations with its own vehicles between the New York City area and other states.'' Additionally, Applicants state that Twin America is involved in transportation arrangements with other carriers to provide interstate travel between the New York City area and other States.

Applicants have submitted the information required by 49 CFR 1182.2,[2] and submitted a statement that the 12-month aggregate gross operating revenues of the carrier applicants exceed the $2 million jurisdictional threshold of 49 U.S.C. 14303(g). Applicants state that the proposed transaction will not affect the adequacy of transportation services available to the public because the charter/tour bus segment is competitive, the proposed transaction will not adversely impact competition, and this agency's prior finding regarding low entry barriers in this segment continues to be accurate. Applicants also state that the proposed transaction will not adversely impact fixed charges because it will not have an adverse impact on the level of debt held by Twin America or on the ability of Twin America to repay that debt, and that the employees of Twin America, other than a small number of

[1] Twin America is in the process of applying with the Federal Motor Carrier Safety Administration (FMCSA) to be a registered motor passenger carrier. It holds USDOT number 1924173 and has been assigned docket number MC–688284 by FMCSA.

[2] By pleading filed on September 14, 2009, Applicants supplemented their original filing by including the FMCSA safety ratings as required by 49 CFR 1182.2(8).

administrative employees, will not be adversely affected.

As discussed above, Applicants state that they are currently providing various transportation services in interstate commerce. Applicants, however, do not provide specific information detailing the authority under which these interstate services operate. We note also that the New York State Attorney General has served subpoenas *duces tecum* on Twin America and several other entities, inquiring into the operation of those entities, the formation of Twin America, and related matters, and has asked to participate as a party of record in this proceeding. For these reasons, we will not grant tentative authority under 49 CFR 1182.4(b). Instead, we will institute a proceeding to address these matters as well as determine the merits of the application pursuant to 49 U.S.C. 14303. Comments and responses are to be submitted as ordered below. *See* 49 CFR 1182.5 and 1182.6.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Comments must be filed by November 2, 2009. Applicants may file a reply by November 17, 2009.

2. This notice will be effective on date of service.

3. A copy of this decision will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530; (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue, SE., Washington, DC 20590; and (4) the New York State Office of the Attorney General, The Capitol, Albany, NY 12224–0341.

Decided: September 15, 2009.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E9–22488 Filed 9–17–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2009–0096]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 17, 2009.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2009–0096 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

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

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marshall Wainright, 202–366–4842, or Arnold Feldman, 202–366–2028, Office of Real Estate Services, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: 2009 Business Relocation Assistance Retrospective Study.

Background: Among benefits included in relocation assistance under the Uniform Act is a payment, not to exceed $10,000, to assist displaced businesses in reestablishing at a new location. The Uniform Act also includes a fixed payment for moving expenses not to exceed $20,000 in lieu of the payments for actual reasonable moving and reestablishment related expenses. The Uniform Act benefit levels were last revised in 1989. Since that time, displaced business moves have become increasingly complex and costly. HEPR, the General Accounting Office (GAO) and several States have done recent research into the costs born by businesses that are required to relocate as a result of federally funded projects and programs. The general conclusion is that the Uniform Act benefit levels are inadequate. For example the GAO recently reported on the need for an update of benefit levels in Eminent Domain, Information about its Uses and Effect on Communities and Property Owners Is Limited (GAO–07–28). The report communicates in several points, including discussions on pages 4 and 16, that Uniform Act benefits available to business are considered inadequate by interviewees.

The data collected utilizing the following interview document would identify the name, location and type of business; actual costs that a business incurs which would be reimbursable if not for the statutory maximum reestablishment expenses or the additional in-lieu eligibility that a business would be eligible to receive as well as the amount of the relocation assistance the business received as a reimbursement through the relocation program. Interviews with selected participants will be conducted over a one year period.

Respondents: Approximately 300 participants to be interviewed in a one year.

Frequency: One collection from each participant.

Estimated Average Burden per Response: Approximately 4 hours per participant over a year.

Estimated Total Annual Burden Hours: Approximately 1200 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: September 14, 2009.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. E9–22480 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2009–0095]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Request for Extension of Currently Approved Information.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew an information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 17, 2009.

ADDRESSES: You may submit comments identified by DOT Docket Management System (DMS) Docket Number FHWA–2006–0095 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

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

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Janine Ashe, 202–366–9057, Office of Civil Rights, Federal Highway Administration, Department of Transportation, 1200 New Jersey Ave., SE., E81–125, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Federal-Aid Highway Construction Equal Employment Opportunity.

Background: Title 23, part 140(a), requires the FHWA to ensure equal opportunity regarding contractors' employment practices on Federal-aid highway projects. To carry out this requirement, the contractors must submit to the State Transportation Agencies (STAs) on all work being performed on Federal-aid contracts during the month of July, a report on its employment workforce data. This report provides the employment workforce data on these contracts and includes the number of minorities, women, and non-minorities in specific highway construction job categories. This information is reported on Form PR–1391, Federal-Aid Highway Construction Contractors Summary of Employment Data. The statute also requires the STAs to submit a report to the FHWA summarizing the data entered on the PR–1391 forms. This summary data is provided on Form PR–1392, Federal-Aid Highway Construction Contractors Summary of Employment Data. The STAs and FHWA use this data to identify patterns and trends of employment in the highway construction industry, and to determine the adequacy and impact of the STA's and FHWA's contract compliance and on-the-job (OJT) training programs. The STAs use this information to monitor the contractors-employment and training of minorities and women in the traditional highway construction crafts. Additionally, the data is used by FHWA to provide summarization, trend analyses to Congress, DOT, and FHWA officials as well as others who request information relating to the Federal-aid highway construction EEO program. The information is also used in making decisions regarding resource allocation; program emphasis; marketing and promotion activities; training; and compliance efforts.

Respondents: 11,077 annual respondents for Form PR–1391, and 52 STAs annual respondents for Form PR–1392, total of 11,129.

Frequency: Annually.

Estimated Average Burden per Response: FHWA estimates it takes 30 minutes for Federal-aid contractors to complete and submit Form PR–1391 and 8 hours for STAs to complete and submit Form PR–1392.

Estimated Total Amount Burden Hours: Form PR–1391—5,539 hours per year; Form PR–1392—416 hours per year, total of 5,955 hours annually.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on September 14, 2009.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. E9–22479 Filed 9–17–09; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Intent (NOI) To Prepare a Draft Environmental Impact Statement for the Anaheim Regional Transportation Intermodal Center (ARTIC) in the City of Anaheim, Orange County, CA

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA), in cooperation with the Orange County Transportation Authority (OCTA) and the City of Anaheim, is issuing this notice of intent to advise other agencies and the public that they will be preparing a Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the Anaheim Regional Transportation Intermodal center (ARTIC), which is proposed to provide a new multimodal transportation facility in the vicinity of the existing Metrolink/Amtrak Anaheim Station in Anaheim, California. The EIS will be prepared in accordance with regulations implementing the National Environmental Policy Act (NEPA) as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for

Users (SAFETEA–LU, 2005). The EIR will be prepared in accordance with guidelines implementing the California Environmental Quality Act (CEQA). The purpose of this Notice of Intent is to alert interested parties regarding the plan to prepare the DEIS/EIR, to provide information on the proposed transit project and possible alternatives, to invite participation in the DEIS/EIR process, including comments on the scope of the DEIS/EIR, and to announce that a public scoping meeting will be conducted.

DATES: Written comments on the scope of the DEIS/EIR including the project's purpose and need, the alternatives to be considered, the impacts to be evaluated, and the methodologies to be used in the evaluations should be sent to Ms. Jennifer Bergener, Rail Program Manager, at the **ADDRESSES** below by November 25, 2009. A scoping meeting will be held on Wednesday, October 14, 2009 from 5 to 7 p.m. at the location indicated under **ADDRESSES** below. Representatives of Native American tribal governments and all Federal, State, regional and local agencies that may have an interest in any aspect of the project will be invited to be participating or cooperating agencies, as appropriate.

ADDRESSES: Written comments on this Notice of Intent should be sent to Ms. Jennifer Bergener, Rail Program Manager, at OCTA, 600 S. Main Street, Orange, CA 92868. Comments also may be submitted in writing at the public scoping meeting. The address for the public scoping meeting is as follows:

• OCTA, 600 S. Main Street, Orange, CA 92868, Room 103/104. The Scoping Meeting will be held on Wednesday, October 14, 2009 from 5 to 7 p.m. The project's purpose and need and the description of alternatives currently under consideration for the proposed project will be presented at this meeting. The meeting facilities will be accessible to persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact Laura Scheper at (714) 560–5697 or *lscheper@octa.net* at least 48 hours before the scoping meeting. Paper copies of scoping materials may be obtained from Laura Scheper at (714) 560–5697 or *lscheper@octa.net.* Also, scoping materials will be available at the meetings and on the OCTA Web site (*http://www.octa.net*).

FOR FURTHER INFORMATION CONTACT: Mr. Hymie Luden, City and Regional Planner, of the Federal Transit Administration's San Francisco Regional Office at (415) 744–2732 or write to FTA Region IX Office, 201 Mission Street Suite 1650, San Francisco, CA 94105–1926.

SUPPLEMENTARY INFORMATION:

Scoping

The FTA, OCTA, and the City of Anaheim invite all interested individuals, and organizations, public agencies and Native American Tribes to provide comments on the scope of the DEIS/EIR, including the project's purpose and need, the alternatives currently under consideration, the impacts to be evaluated and the evaluation methods to be used. Comments should focus on: alternatives that may be less costly or have fewer environmental or community impacts while achieving similar transportation objectives, and the identification of any significant social, economic or environmental issues related to alternatives.

NEPA ''scoping'' (40 CFR 1501.7) has specific and fairly limited objectives, one of which is to identify the significant issues associated with alternatives that will be examined in detail in the document, while simultaneously limiting consideration and development of issues that are not truly significant. It is in the NEPA scoping process that potentially significant environmental impacts—those that give rise to the need to prepare an environmental impact statement—should be identified; impacts that are deemed not to be significant need not be developed extensively in the context of the impact statement, thereby keeping the statement focused on impacts of consequence. Transit projects may also generate environmental benefits; these should be highlighted as well—the impact statement process should draw attention to positive impacts, not just negative impacts.

Once the scope of the environmental study, including significant environmental issues to be addressed, is settled, an annotated outline of the document will be prepared and shared with interested agencies and the public. The outline serves at least three worthy purposes, including (1) Documenting the results of the scoping process; (2) contributing to the transparency of the process; and (3) providing a clear roadmap for concise development of the environmental document

In the interest of producing a readable and user-friendly public document, and pursuant to 40 CFR 1502.10, the EIS shall be limited to 150 pages exclusive of any 4(f) and/or 6(f) evaluation. The EIS should emphasize graphics and virtual visual simulations over technical jargon, and technical appendices shall be included in a separate volume.

The Proposed Project

The ARTIC Project proposes to provide a new multimodal transit center in the Platinum Triangle area of the City of Anaheim. ARTIC would provide convenient and efficient transfers between Metrolink, Amtrak, local fixed-route bus, the planned Anaheim Fixed-Guideway, the planned high-speed trains service, future bus rapid transit, private automobiles and other forms of transportation.

Purpose and Need for the Proposed Project

The primary purpose of the ARTIC Project is to provide a multimodal transportation center in the vicinity of the existing Metrolink/Amtrak Anaheim Station, with capacity to accommodate the expected population growth and the planned new modes of transportation. The project is needed because Orange County's travel demand will continue to increase overtime, with the highest concentration in central and northern Orange County for the foreseeable future. With a population of more than 3 million, Orange County is the second-largest county in California and the fifth-largest county in the nation. Population is expected to continue to grow in the coming decades with a population of 3.7 million expected by 2040. The city of Anaheim is California's tenth-largest city with nearly 350,000 residents and is in the heart of the county. ARTIC would serve this growing community, now and into the future. With the implementation and integration of additional transit options, it is important to maximize the return on the transit services already deployed in that area and create new opportunities for transit use. The existing Anaheim Station is not able to accommodate some of these additional transit options, particularly the high speed train mode. A facility is needed that can provide easy connections with other bus, taxi, car, other local transit, and other train modes.

Alternatives

Project alternatives currently under consideration include a no build alternative, the proposed ARTIC alternative, at least one alternative that would provide a transit facility similar to ARTIC at the location of the existing Metrolink/Amtrak Anaheim Station, and at least one reduced project alternative. These alternatives are further described as follows:

• *No Build Alternative*—the No Build Alternative assumes that the proposed

ARTIC is not constructed, and that the expansion and addition of transportation services planned to occur with the completion of ARTIC Phase 1 would be accommodated at the existing Metrolink/Amtrak Anaheim Station.

• *ARTIC Alternative*—The ARTIC Alternative would include three phases. Phase 1 would include realignment of the existing Los Angeles to San Diego (LOSSAN) rail corridor mainline tracks; relocation of track platforms; reconstruction of the existing rail bridge over Douglass Road; provisions for new pedestrian access; station terminal and other station area improvements with the terminal and supporting facilities relocated to the ARTIC site southeast of the intersection of Katella Avenue and Douglass Road; associated parking facilities; and roadway improvements to facilitate access and egress from the site and accommodate predicted traffic levels. Phases 2 and 3 would build upon the infrastructure provided in Phase 1 and introduce new or expanded transportation facility connections at the ARTIC site. The later phases would also include opportunities for potential joint development and other private-sector cost-sharing and/or revenue-sharing arrangements. The site for this alternative included the existing railroad right-of-way from approximately Katella Avenue to the Santa Ana River, where track improvements would be made; the existing Anaheim Station for Amtrak and Metrolink, which would be removed; and two parcels of land where the new multimodal station and associated development would occur. The first parcel, which is owned by OCTA, is located east of Douglass Road between Katella Avenue and the entrance to Angels Stadium of Anaheim, south of the existing development on the south side of Katella Avenue; west of the Santa Ana River, and north of the railroad right-of-way. The second parcel is owned by the City of Anaheim, is a smaller, triangular-shaped parcel south of the railroad right-of-way, with the Santa Ana River to the east and State Route 57 to the west. The current uses of the site are former maintenance facilities and storage yards. Adjacent land uses include retail and office/light industrial uses, sports/entertainment facilities (Angel Stadium and the Honda Center), a hotel, the Santa Ana River, and State Route 57.

• *ARTIC On Existing Site Alternative*—This alternative would provide the facilities proposed under the ARTIC alternative at the existing Anaheim Station site adjacent to Angels Stadium. A new terminal and supporting facilities would be constructed to replace the existing terminal. Existing track will be modified to accommodate extension of the existing platforms by approximately 200 feet. This alternative would also include improved and expanded pedestrian access, station area improvements similar to the ARTIC alternative, improved station area roadway access, and expanded parking facilities. Multiple options may be considered for this alternative.

• *Reduced Development Alternative*—This alternative would include only the transportation-related aspects of the ARTIC project, without some or all of the opportunities for potential joint development and other private-sector cost-sharing and/or revenue-sharing arrangements. Multiple options may be considered for this alternative.

The EIS Process and the Role of Participating Agencies and the Public

The purpose of the EIS process is to explore in a public setting the potentially significant effects of implementing the proposed action and alternatives on the physical, human, and natural environment. Areas of investigation will be developed during the scoping process and may include, but not be limited to, aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), call for public involvement in the EIS process. Section 6002 of SAFETEA–LU requires that FTA, OCTA, and the City of Anaheim do the following: (1) Extend an invitation to other Federal and non-Federal agencies and Indian tribes that may have an interest in the proposed project to become ''participating agencies,'' (2) provide an opportunity for involvement by participating agencies and the public in helping to define the purpose and need for a proposed project, as well as the range of alternatives for consideration in the impact statement, and (3) establish a plan for coordinating public and agency participation in and comment on the environmental review process. An invitation to become a participating agency, with the scoping information packet appended, will be extended to other Federal and non-Federal agencies and Indian tribes that may have an interest in the proposed project. It is possible that we may not be able to identify all Federal and non-Federal agencies and Indian tribes that may have such an interest. Any Federal or non-Federal agency or Indian tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify the OCTA Rail Program Manager identified above under **ADDRESSES**, at the earliest opportunity, but no later than 30 days following this notice.

A comprehensive public involvement program has been developed. A technical advisory committee called the Project Development Team, consisting of representatives of state, regional and local agencies, is in place. The program also includes a public scoping process including a public review/comment period, a public hearing on the DEIS/EIR, and posting of information on the project Web site. We invite the public and participating agencies to consider the preliminary statement of purpose and need for the proposed project, the alternatives currently proposed for consideration, and potential significant environmental impacts that may be associated with the proposed project. All comments and suggestions will be given serious consideration. In accordance with 23 CFR 771.105(a) and 771.133, FTA will comply with all Federal environmental laws, regulations and executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These requirements include, but are not limited to, the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500–1508 and 23 CFR part 771), the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93), section 404(b)(1) guidelines of EPA (40 CFR part 230), Executive Orders 11988, 11990 and 12898 regarding floodplains, wetlands, and environmental justice, respectively, Section 106 of the National Historic Preservation Act (36 CFR Part 800), Section 7 of the Endangered Species Act (50 CFR part 402), and section 4(f) of the Department of Transportation Act (23 CFR 771.135).

Issued on: September 14, 2009.

Raymond Sukys,

Acting Regional Administrator, FTA, Region 9.

[FR Doc. E9–22478 Filed 9–17–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Statute of Limitations on Claims; Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and Other Federal Agencies.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, and Other Federal Agencies that are final within the meaning of 23 U.S.C. 139(l)(1). These actions relate to a proposed highway project, the Schuyler Heim Bridge Replacement and SR–47 Expressway in the Port of Los Angeles and Port of Long Beach, in the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 17, 2010. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Karl Price, Senior Environmental Planner, Caltrans District 7, division of Environmental Planning, 100 S. Main Street, Los Angeles, CA 90012, during normal business hours from 9 a.m. to 5 p.m., telephone (213) 897–1839, e-mail *Karl_Price@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans, and certain other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by approving the following highway project in the State of California: The Schuyler Heim Bridge Replacement and SR–47 Expressway in the Port of Los Angeles and Port of Long Beach, in the County of Los Angeles, State of California. When completed, the project will replace the seismically and structurally deficient lift Schuyler Heim Bridge with a new fixed-span bridge over the Cerritos Channel, and construct an elevated SR–47 Expressway that would begin on Terminal Island, at the intersection of SR–47 and Ocean Boulevard, extending north and onto the new fixed-span bridge, to Alameda Street, south of the intersection with Pacific Coast Highway. The project length is 3.1 miles. The purpose of the project is to provide a structurally and seismically safe vehicular connection along the critical north-south corridor between Terminal Island and the mainland that can remain in service following a major earthquake to ensure that ground and vessel transportation are maintained. The purpose of the proposed project also is to provide a high-capacity alternative route for traffic between Terminal Island and I–405 that would reduce traffic congestion on local surface streets (between Terminal Island and Pacific Coast Highway), as well as on I–110 and I–710; and improve safety by providing a limited-access route between Terminal Island and I–405 that would bypass at-grade railroad crossings and signalized intersections. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on May 12, 2009, in the Record of Decision (ROD) issued on August 12, 2009, and in other documents in the Caltrans project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the addresses provided above. The Final EIS and ROD can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist07/resources/envdocs, and at http://www.acta.org.* This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351].
2. *Safe, Accountable, Flexible, Efficient Transportation Equity Act:* A Legacy for Users (SAFETEA–LU).
3. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].
4. Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
6. Clean Water Act (section 401) [33 U.S.C. 1251–1377].
7. Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543).
8. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10.
9. Executive Order 11990, Protection of Wetlands.
10. Executive Order 11988, Floodplain Management.
11. Coastal Zone Management Act.
12. Executive Order 12898—Environmental Justice.
13 Department of Transportation Act of 1966, Section 4(f) [49 U.S.C. 303].
14. E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: September 1, 2009.

Karen Bobo,

Director, Local Program, Federal Highway Administration.

[FR Doc. E9–22545 Filed 9–17–09; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Information Collections; Comment Request

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

DATES: We must receive your written comments on or before November 17, 2009.

ADDRESSES: You may send comments to Mary A. Wood, Alcohol and Tobacco Tax and Trade Bureau, at any of these addresses:

- P.O. Box 14412, Washington, DC 20044–4412;
- 202–453–2686 (facsimile); or
- *formcomments@ttb.gov* (e-mail).

Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment. If you submit your comment via facsimile, send no more than five 8.5 x 11 inch pages in order to ensure electronic access to our equipment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, copies of the information collection and its instructions, or copies of any comments received, contact Mary A. Wood, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044–4412; or telephone 202–453–2265.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please not do include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether this information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

Information Collections Open for Comment

Currently, we are seeking comments on the following forms and recordkeeping requirements:

Title: Drawback on Wines Exported.

OMB Control Number: 1513–0016.

TTB Form Number: 5120.24.

Abstract: When proprietors export wines that have been produced, packaged, manufactured, or bottled in the U.S., they may file a claim for drawback of the taxes that have already been paid or determined on the wine. This form notifies TTB that the wine was in fact exported and thus helps to protect the revenue and prevent fraudulent claims.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for profit.

Estimated Number of Respondents: 21.

Estimated Total Annual Burden Hours: 94.

Title: Report—Export Warehouse Proprietor.

OMB Control Number: 1513–0024.

TTB Form Number: 5220.4.

Abstract: Proprietors account for taxable articles on this report. TTB uses this information to ensure that proprietors have complied with Federal laws and regulations and to protect against diversion.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 80.

Estimated Total Annual Burden Hours: 1,920.

Title: Specific Transportation Bond—Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouse—Class Six; and Continuing Transportation Bond—Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouse—Class Six.

OMB Control Number: 1513–0031.

TTB Form Numbers: 5100.12 and 5110.67.

Abstract: TTB F 5100.12 and TTB F 5110.67 are specific bonds that protect the tax liability on distilled spirits and wine while in transit from one type of bonded facility to another. The forms identify the shipment, the parties involved, the date, and the amount of bond coverage.

Current Actions: We are submitting this information collection as a revision. We are correcting the number of respondents and burden hours; however, the information collection instruments remain unchanged.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 7,010.

Estimated Total Annual Burden Hours: 7,010.

Title: Inventory—Manufacturer of Tobacco Products, Processed Tobacco, or Cigarette Papers and Tubes.

OMB Control Number: 1513–0032.

TTB Form Number: 5210.9.

Abstract: TTB F 5210.9 is necessary to determine the beginning and ending inventories of tobacco products and processed tobacco at the premises of a tobacco products or processed tobacco manufacturer. The information is recorded on this form by the proprietor and is used by TTB to determine tax liability, compliance with regulations, and for protection of the revenue.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 193.

Estimated Total Annual Burden Hours: 386.

Title: Report—Manufacturer of Tobacco Products or Cigarette Papers and Tubes and Report—Manufacturer of Processed Tobacco.

OMB Control Number: 1513–0033.

TTB Form Numbers: 5210.5 and 5250.1.

Abstract: Manufacturers account for their taxable articles on this report. TTB uses this information to ensure that manufactures have properly paid taxes due and have complied with Federal laws and regulations.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 193.

Estimated Total Annual Burden Hours: 4,632.

Title: Inventory—Export Warehouse Proprietor.

OMB Control Number: 1513–0035.

TTB Form Number: 5220.3.

Abstract: TTB F 5220.3 is used by export warehouse proprietors to record inventories that are required by law and regulations.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 80.

Estimated Total Annual Burden Hours: 400.

Title: Alcohol Fuel Plants (AFP) Records, Reports, and Notices.

OMB Control Number: 1513–0052.

TTB Form Number: 5110.75.

TTB Recordkeeping Number: 5110/10.

Abstract: The data in this information collection is necessary to determine which persons are qualified to produce alcohol for fuel purposes and to identify such persons. The information collection accounts for distilled spirits produced, verifies the spirits' proper disposition, keeps registrations current, and helps evaluate permissible variations from prescribed procedures.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Farms, Business or other for-profit.

Estimated Number of Respondents: 1,452.

Estimated Total Annual Burden Hours: 1,598.

Title: Importer's Records and Reports.

OMB Control Number: 1513–0064.

TTB Recordkeeping Number: 5170/1.

Abstract: This recordkeeping requirement concerns the records that must be maintained by an importer. The records are used by TTB to verify that operations are being conducted in compliance with the law and to ensure that all taxes and duties have been paid on imported spirits, thus protecting the revenue. The record retention requirement for this information collection is 3 years.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit.

Estimated Number of Respondents: 500.

Estimated Total Annual Burden Hours: 251.

Title: Records of Operations—Manufacturer of Tobacco Products or Processed Tobacco.

OMB Control Number: 1513–0068.

TTB Recordkeeping Number: 5210/1.

Abstract: Tobacco Products or processed tobacco manufacturers must maintain records that provide accountability over the tobacco products or processed tobacco received and produced. These records ensure that each tobacco product or processed tobacco transaction can be traced, and ensure that tax liabilities are totally satisfied.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit.

Estimated Number of Respondents: 193.

Estimated Total Annual Burden Hours: 386.

Title: Tobacco Export Warehouse—Record of Operations.

OMB Control Number: 1513–0070.

TTB Form Number: 5110.38.

Abstract: Tobacco Export Warehouses are used to store untaxpaid tobacco products and processed tobacco until they are exported. TTB uses these records to maintain accountability over these commodities. These records also allow TTB to verify that all commodities have been exported or tax liabilities are satisfied, thus protecting tax revenue.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit.

Estimated Number of Respondents: 80.

Estimated Total Annual Burden Hours: 1 (one).

Title: Applications and Notices—Manufacturers of Nonbeverage Products.

OMB Control Number: 1513–0072.

TTB Recordkeeping Number: 5530/1.

Abstract: These reports (Letterhead Applications and Notices) are submitted by manufacturers of nonbeverage products who are using distilled spirits upon which drawback will be claimed. These reports are used by TTB National Revenue Center personnel to ensure that the regulated individuals will conduct operations in compliance with the law and regulations. The applications and notices serve to protect the revenue by helping TTB personnel determine if spirits on which drawback has been claimed have been diverted to beverage use.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit.

Estimated Number of Respondents: 510.

Estimated Total Annual Burden Hours: 510.

Title: Records of Things of Value to Retailers, and Occasional Letter Reports from Industry Members Regarding Information of Sponsorships, Advertisements, Promotions, *etc.* under the FAA Act.

OMB Control Number: 1513–0077.

TTB Recordkeeping Number: 5190/1.

Abstract: These records and occasional letter reports are used to show compliance with the provisions of the Federal Alcohol Administration Act, which prohibits wholesalers, producers, or importers from giving things of value to retail liquor dealers, and which also prohibits industry members from conducting certain types of sponsorships, advertising, promotions, *etc.*

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit, Individuals, or households.

Estimated Number of Respondents: 12,665.

Estimated Total Annual Burden Hours: 51.

Title: Application for Extension of Time for Payment of Tax.

OMB Control Number: 1513–0093.

TTB Form Number: 5600.38.

Abstract: TTB uses this information to determine if a taxpayer is qualified to

extend payment of tax based on circumstances beyond the taxpayer's control. The record retention requirement for this information collection is 3 years.

Current Actions: We are submitting this information collection for extension of purposes only. This information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 12.

Estimated Total Annual Burden Hours: 3.

Title: Supporting Data for Nonbeverage Drawback Claims.

OMB Control Number: 1513–0098.

TTB Form Number: 5154.2.

Abstract: The form substantiates nonbeverage drawback claims by documenting the use of taxpaid distilled spirits in the manufacture of nonbeverage products. The form is used in TTB's National Revenue Center to verify that all distilled spirits can be accounted for and that drawback is paid only in the amount and for the purposes authorized by law.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 590.

Estimated Total Annual Burden Hours: 3,422.

Title: Record of Operations—Importer of Tobacco Products or Processed Tobacco.

OMB Control Number: 1513–0106.

TTB Recordkeeping Number: None.

Abstract: Importers of tobacco products or processed tobacco are required to maintain records of physical receipts and disposition of tobacco products or processed tobacco in order to prepare TTB Form 5220.6 (a monthly report). Importers of tobacco products and processed tobacco will consist of both large and small businesses that operate for profit.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 586.

Estimated Total Annual Burden Hours: 1 (one).

Title: Monthly Report—Importer of Tobacco Products or Processed Tobacco.

OMB Control Number: 1513–0107.

TTB Form Number: 5220.6.

Abstract: Reports of the importation and disposition of tobacco products and processed tobacco are necessary to determine whether those persons issued the permits required by 26 U.S.C. 5713 should be allowed to continue their operations or renew their permits. This report is also used to determine if tobacco products or processed tobacco are being diverted for illegal purposes and to ensure that holders of basic permits are engaging in the operations stated on their basic permit.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit.

Estimated Number of Respondents: 586.

Estimated Total Annual Burden Hours: 14,064.

Title: Application, Permit, and Report—Wine and Beer (Puerto Rico); and Application, Permit, and Report—Distilled Spirits Products (Puerto Rico).

OMB Control Number: 1513–0123.

TTB Forms: 5100.21 and 5110.51.

Abstract: TTB F 5100.21 is a permit to compute the tax on, tax pay, and withdraw shipments of wine or beer from Puerto Rico to the United States, as substantively required by 27 CFR 26.93. TTB F 5110.51 is a permit to compute the tax on, tax pay, and withdraw shipments of distilled spirits products from Puerto Rico to the United States, as substantively required by 27 CFR 26.78.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 35.

Estimated Total Annual Burden Hours: 6.

Title: Report of Removal, Transfer, or Sale of Processed Tobacco.

OMB Control Number: 1513–0130.

TTB Form Number: 5250.2.

Abstract: TTB believes that unregulated transfers or sales of processed tobacco to persons who do not hold TTB permits could lead to processed tobacco falling into the hands of persons who would be unknown and unaccountable to TTB, including illegal manufacturers. In order to better regulate processed tobacco and prevent diversion, TTB requires the filing of a report covering all such transfers or sales. This report is used to protect the revenue.

Current Actions: We are submitting this information collection for extension purposes only. This information collection, the estimated number of respondents, and the estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 779.

Estimated Total Annual Burden Hours: 2,337.

Dated: September 11, 2009.

Francis W. Foote,

Director, Regulations and Rulings Division.

[FR Doc. E9–22456 Filed 9–17–09; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of seven individuals and one entity whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, *Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers.*

DATES: The unblocking and removal from the list of Specially Designated

Nationals and Blocked Persons (''SDN List'') of the seven individuals and one entity identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on September 11, 2009.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the ''Order''). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On September 11, 2009, OFAC removed from the SDN List the seven individuals and one entity listed below, whose property and interests in property were blocked pursuant to the Order:

LEON, Hector, c/o MANUFACTURAS REAL S.A., Bogota, Colombia; DOB 29 Jan 1954; POB Viota, Cundinamarca, Colombia; Cedula No. 19251100 (Colombia); Passport P026720 (Colombia) (individual) [SDNT]

GIL GUIO, Alexandra, c/o DURATEX S.A., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o CONSTRUCTORA IRAKA S.A., Bogota, Colombia; c/o C.I. OTILIA FLOWERS S.A., Cajica, Cundinamarca, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 11 Oct 1973; POB Colombia; Cedula No. 52145376 (Colombia) (individual) [SDNT]

LOZANO OSPINA, Max Abilio, c/o DURATEX S.A., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o C.I. OTILIA FLOWERS S.A., Cajica, Cundinamarca, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 23 May 1971; POB Colombia; Cedula No. 79248772 (Colombia) (individual) [SDNT]

SERNA GOMEZ, Adriana Maria, c/o DROBLAM S.A., Cali, Colombia; DOB 22 Jan 1971; Cedula No. 34600630 (Colombia); Passport 34600630 (Colombia) (individual) [SDNT]

LOPRETTO DURAN, Jorge Enrique, Carrera 4 No. 12–20 of. 206, Cartago, Valle, Colombia; c/o INMOBILIARIA EL ESCORIAL LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA LINARES LTDA., Cartago, Valle, Colombia; c/o INMOBILIARIA PASADENA LTDA., Cartago, Valle, Colombia; c/o VISCAYA LTDA., Cartago, Valle, Colombia; DOB 8 Aug 1962; Cedula No. 16215409 (Colombia); Passport 16215409 (Colombia) (individual) [SDNT]

ANDRADE MENDEZ, Gerardo, c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; c/o CHAMARTIN S.A., Cali, Colombia; DOB 17 Jul 1962; Cedula No. 12189130 (Colombia); Passport 12189130 (Colombia) (individual) [SDNT]

QUINONEZ TORRES, Sergio Plinio, c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; c/o CHAMARTIN S.A., Cali, Colombia; Cedula No. 16723852 (Colombia); Passport 16723852 (Colombia) (individual) [SDNT]

FARMATODO S.A., Diagonal 17 No. 28A–39, Bogota, Colombia; Diagonal 17 No. 28A–80, Bogota, Colombia [SDNT]

Dated: September 11, 2009.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E9–22455 Filed 9–17–09; 8:45 am]

BILLING CODE 4811–45–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the National Research Advisory Council will hold a meeting on Monday, October 26, 2009, in room GL–20 at the Greenhoot Cohen Building, 1722 Eye Street, NW., Washington, DC. The meeting will convene at 8:30 a.m. and end at 3 p.m. The meeting is open to the public.

The purpose of the Council is to provide external advice and review for VA's research mission. The agenda will include a review of the VA research portfolio and a summary of current budget allocations. The Council will also provide feedback on the direction/focus of VA's research initiatives.

Any member of the public wishing to attend the meeting or wishing further information should contact Jay A Freedman, PhD, Designated Federal Officer, at (202) 461–1699. Oral comments from the public will not be accepted at the meeting. Written statements or comments should be transmitted electronically to *jay.freedman@va.gov* or mailed to Dr. Freedman at Department of Veterans Affairs, Office of Research and Development (12), 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: September 14, 2009.

By Direction of the Secretary.

Vivian Drake,

Acting Committee Management Officer.

[FR Doc. E9–22562 Filed 9–17–09; 8:45 am]

BILLING CODE P

Federal Register

Friday,
September 18, 2009

Part II

The President

Proclamation 8417—National Hispanic Heritage Month, 2009

Federal Register
Vol. 74, No. 180
Friday, September 18, 2009

Presidential Documents

Title 3—

The President

Proclamation 8417 of September 15, 2009

National Hispanic Heritage Month, 2009

By the President of the United States of America

A Proclamation

The story of Hispanics in America is the story of America itself. The Hispanic community's values—love of family, a deep and abiding faith, and a strong work ethic—are America's values. Hispanics bring together the rich traditions of communities with centuries-old roots in America and the energy and drive of recent immigrants. Many have taken great risks to begin a new life in the hopes of achieving a better future for themselves and their families.

Hispanics have played a vital role in the moments and movements that have shaped our country. They have enriched our culture and brought creativity and innovation to everything from sports to the sciences and from the arts to our economy.

Hispanics have served with honor and distinction in every conflict since the Revolutionary War, and they have made invaluable contributions through their service to our country. They lead corporations and not-for-profits, and social movements and places of learning. They serve in government at every level from school boards to statehouses, and from city councils to Congress. And for the first time in our Nation's history, a Latina is seated among the nine Justices of the Supreme Court of the United States.

As Hispanics continue to enrich our Nation's character and shape our common future, they strengthen America's promise and affirm the narrative of American unity and progress.

To honor the achievements of Hispanics in America, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as ''National Hispanic Heritage Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 15 through October 15, 2009, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

[FR Doc. E9–22744
Filed 9–17–09; 11:15 am]
Billing code 3195–W9–P

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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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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